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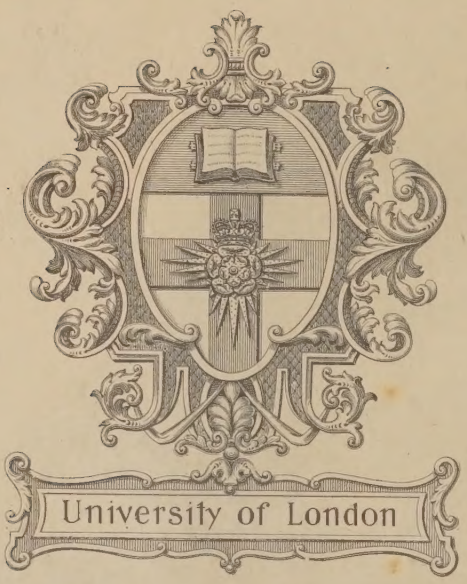

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REPORTS

FROM

COMMITTEES:

THIRTY-TWO VOLUMES.

—(31.)—

RAILWAYS AND CANALS.

Session

4 *November* 1852 —— 20 *August* 1853.

VOL. XXXVIII.

1852-53.

REPORTS FROM COMMITTEES:

1852-53.

THIRTY-TWO VOLUMES:—CONTENTS OF THE

THIRTY-FIRST VOLUME.

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FIRST

REPORT

FROM THE

SELECT COMMITTEE

ON

RAILWAY AND CANAL BILLS.

Ordered, by The House of Commons, *to be Printed,*
16 *December* 1852.

Lunæ, 6° die Decembris, 1852.

Ordered, THAT a Select Committee be appointed to consider the principle of Amalgamation as applied to Railway, or Railway and Canal Bills, about to be brought under the consideration of Parliament, and to consider the Principles which ought to guide The House in Railway Legislation.

Jovis, 9° die Decembris, 1852.

Committee nominated of,—

Mr. Henley.	Colonel Mure.
Mr. Hume.	Captain Jones.
Mr. William Gladstone.	Mr. Deedes.
Mr. Labouchere.	Mr. Monckton Milnes.
Mr. Strutt.	Mr. Evelyn Denison.
Mr. Wilson Patten.	Mr. Laffan.

Ordered, THAT the Committee have power to send for Persons, Papers, and Records.

Ordered, THAT Five be the Quorum of the Committee.

Jovis, 16° die Decembris, 1852.

Ordered, THAT the Committee have power to Report their Opinion from time to time to The House.

FIRST REPORT.

MR. HENLEY reported from the Select Committee appointed to consider the principle of Amalgamation as applied to Railway, or Railway and Canal Bills, about to be brought under the consideration of Parliament, and to consider the Principles which ought to guide the House in Railway Legislation, and who were empowered to report their Opinion from time to time to The House;——HAVE considered the matters to them referred, and have agreed to the following RESOLUTION:—

Resolved,—

THAT it is the opinion of this Committee that all Railway Bills introduced into the House during the present Session should, as a general rule, be made integral in themselves, and that the greatest caution should be exercised in admitting into them, otherwise than by specific enactment, provisions which repeal, continue, or extend the powers of former Acts; and that the attention of Committees on Private Bills should be directed to this point.

16 *December* 1852.

FIRST

REPORT

FROM THE

SELECT COMMITTEE

ON

RAILWAY AND CANAL BILLS.

Ordered, by The House of Commons, *to be Printed*,
16 *December* 1852.

79.

Under 1 *oz.*

SECOND

REPORT

FROM THE

SELECT COMMITTEE

ON

RAILWAY AND CANAL BILLS;

TOGETHER WITH THE

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
28 *February* 1853.

Lunæ, 6° *die Decembris*, 1852.

Ordered, That a Select Committee be appointed to consider the principle of Amalgamation as applied to Railway, or Railway and Canal Bills, about to be brought under the consideration of Parliament, and to consider the Principles which ought to guide The House in Railway Legislation.

Jovis, 9° *die Decembris*, 1852.

Committee nominated of,—

Mr. Henley.	Colonel Mure.
Mr. Hume.	Captain Jones.
Mr. William Gladstone.	Mr. Deedes.
Mr. Labouchere.	Mr. Monckton Milnes.
Mr. Strutt.	Mr. Evelyn Denison.
Mr. Wilson Patten.	Mr. Laffan.

Ordered, That the Committee have power to send for Persons, Papers, and Records.

Ordered, That Five be the Quorum of the Committee.

Jovis, 16° *die Decembris*, 1852.

Ordered, That the Committee have power to Report their Opinion from time to time to the House.

Ordered, That Mr. Hume be discharged from further attendance on the Committee, and that Mr. Bright be added thereto.

Veneris, 11° *die Februarii*, 1853.

Ordered, That Mr. Gladstone, Mr. Strutt, and Mr. Cardwell, be added to the Committee.

Lunæ, 28° *die Februarii*, 1853.

Ordered, That the Committee have power to Report the Minutes of Evidence taken before them, from time to time to the House.

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SECOND REPORT.

MR. CARDWELL reported from the Select Committee appointed to consider the principle of Amalgamation as applied to Railway, or Railway and Canal Bills, about to be brought under the consideration of Parliament, and to consider the Principles which ought to guide the House in Railway Legislation, and who were empowered to Report the Minutes of the Evidence taken before them from time to time;——

THAT they had directed him to Report to the House the Minutes of the Evidence taken before them.

28 *February* 1853.

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MINUTES OF EVIDENCE.

Jovis, 16° *die Decembris*, 1852.

MEMBERS PRESENT.

Mr. Henley.	Mr. Strutt.
Mr. Laffan.	Colonel Jones.
Colonel Mure.	Mr. E. Denison.
Mr. Deedes.	Mr. Wilson Patten.

THE RIGHT HON. J. W. HENLEY IN THE CHAIR.

George Pritt, Esq., *Thomas Coates*, Esq., and *George B. Ellicombe*, Esq., called in; and Examined.

G. Pritt, Esq., *T. Coates*, Esq., and *G. B. Ellicombe*, Esq.

16 December 1852.

1. *Chairman.*] (To Mr. *Pritt.*) I WILL read to you a sentence of a letter addressed by Lord Redesdale to yourself on the 13th of November 1851, stating what he should require. He says, "I shall, at all events, endeavour to prevent our private legislation becoming worse and more complicated, by insisting on all Bills being so framed as to stand alone; and that not only the usual clause, directing the Bill and the old Acts to be construed together as one Act, shall be omitted, but that a special provision shall be inserted, enacting that nothing in the new Act shall be held to affect, alter, or interpret the meaning of any of the former Acts, or any part or parts thereof (except so far as it expressly repeals the same), and that all the provisions of such Acts as shall not be repealed shall remain in full force, although contradictory to the provisions of the new Acts, and shall, in all cases, be interpreted as if the said Act had never been passed;" has that requirement of his Lordship been acted upon?—The latter part of that paragraph was certainly not acted upon, as far as my experience goes; his Lordship did not require the insertion of any clause such as is there pointed out. As far as the early part of that paragraph is concerned, every effort was made, and I believe with great success, to confine the clauses of the Bill to the objects of the Bill, and to make the Bill, subject to some exceptions, complete *per se*, without reference back to former Acts. I may take the case of a railway company coming to Parliament for power to construct a new branch; the constitution of the company, as a company, was necessarily retained under its former Act, incorporating it as a company; but as far as the construction of new works was concerned, the Bill was a Bill *per se*.

2. Mr. *W. Patten.*] You say that that was subject to some exceptions, can you mention any instances in which it was necessary to deviate from that rule?—Of course there would be cases in which the object of the Bill was to repeal a former Act, and in which there must necessarily be a reference back to that former Act; but that was done by a recital of the clauses in the former Act, and an express repeal of those clauses; instead of saying, "so much of the recited Act is hereby repealed," and then briefing the provisions which were proposed to be repealed, we adopted the plan of repeating the clauses, *totidem verbis*, that were proposed to be repealed, and then repealed them. In such cases as those it would be impossible that the Bill should be a Bill *per se*, so that those would be an exception to the cases in which the Bill would be an integral Bill.

3. *Chairman.*] You recited the clauses in the existing Act?—We either recited the clauses in the existing Act, and repealed them, or we took the course pointed out by the Act of Parliament called the "Abbreviation Act," which was introduced by Lord Brougham, and referred to the section, and enacted that "Section so and so of such Act shall be and is hereby repealed."

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4. Did you find that in practice any inconvenience arose from taking that course?—No, I think not. I think it is possible, with some exceptions, that a new Bill, to confer powers upon an existing company, should be, with the exception of the provisions relating to the constitution of the company, an integral Bill by itself; so that the landowners, or other parties affected by it, should have to refer to that Bill solely, and should not be compelled to wade through 20, or 30, or 40 Acts of Parliament, which the Legislature have previously passed, conferring powers upon the company.

5. With a view to enable all parties affected to understand their rights and interests, would such a practice be attended with public benefit?—There is no question that it would. It cannot be denied by any one that the system of legislation in the case of Railway Bills up to a recent period has been productive of considerable inconvenience, arising principally from this cause; when railway companies came to Parliament for a new Act of Parliament, the first clause inserted in the Bill was generally to this effect, "that all the provisions of the recited Acts, so far as they are now in existence and capable of taking effect, except so far as they shall be altered by this Act, shall be incorporated with it, and form part of this Act." No doubt a great amount of inconvenience has arisen from that cause, and unnecessarily, and particularly unnecessarily since the passing of the Clauses Consolidation Acts under which new works may be made. In the old Act it might have been necessary to extend the provisions with regard to the company to new works proposed to be executed, but that is not necessary now.

6. Should you see any inconvenience in such a course being taken with those Bills as this, that the parties "should be obliged to make the Bills integral in themselves, rejecting all clauses which undefinedly allude to, continue, or extend former powers"?—I am not quite sure if I understand the meaning of those words as going beyond what I have just stated. I will give an illustration of my view upon the matter: Company A. seek to obtain power from Parliament to construct a new branch; the frame of the Bill which I should recommend to be presented to Parliament in such a case would be to this effect: I should recite the original Act constituting the company, and then recite the expediency of enabling the company to make the proposed branch; then enact that the clauses of the Railway Clauses Consolidation Act, those being the only clauses applicable to the case, should apply to this Act, and then enact that the company shall be authorised to make the railway. Those three or four clauses would contain all the provisions affecting the public. Then would follow clauses enabling the company to raise capital, or enabling the company to apply any surplus capital which it might have been authorised to raise under its existing Acts. In that case the Act would be construed by itself, except so far as related to the application of the capital; but, as it appears to me, that would be a matter in which the public would not be affected. Landowners and others who were affected would have to see what were the powers taken adversely to them, and they would find those powers contained in three or four clauses; but I should say, that powers granted to a company ought not to be extended with regard to the construction of new works by reference back to former Acts.

7. Take the case which you have referred to with regard to applying capital that was undisposed of in Act A.: there might be in Act A., not a substantive enactment with reference to capital at all, but it might be an Act empowering the company to apply certain residues of capital which had been raised under Acts B., C., D., and E.?—Yes.

8. Do you think it would be an inconvenience to require the enactments you refer to of former Acts to be construed together?—I think in practice it would be almost impossible to define it more accurately than by describing it as surplus capital, nor do I think that any inconvenience would result from that general mode of legislation. Parliament would have given to the company the power of executing the work out of its surplus capital; if it had no surplus capital, there would be an end of the power of constructing the work, unless the company came to Parliament for power to raise additional capital.

9. The power to construct the work in the case you suppose would depend upon the state of the surplus capital of the company?—Necessarily so. We are to assume that a company coming to Parliament to obtain an Act come with a *bonâ fide* intention to carry that Act into execution; the company therefore would take care to ascertain that, if the Act were to pass, they would have the means

means of carrying it into execution; if they had any doubt of there being a surplus of funds to be raised under the authority of their existing Acts, they would apply for power to raise additional capital. The fair inference would be, that the company would not seek for power to execute works which they had not funds to carry out; but I am not prepared to say that in every instance it would be possible, with distinct particularity, to specify the particular capital which should be applied to the purposes of the new Act. My friend Mr. Coates reminds me that, in the case of a Bill for the construction of new works, in which it is proposed to apply the existing capital to such a purpose, the Standing Orders require that a declaration should be deposited, specifying the fund out of which the company propose to execute the work.

10. The declaration would, in point of fact, state the specific surplus arising under former Acts of Parliament?—Yes.

11. What objection would there be to inserting that in the new Act?—There would be no objection to inserting it in the Act in the same way as it is inserted in the declaration, but I am not prepared to say that in every case it would be perfectly accurate as to the precise sources out of which the surplus capital was to come. I will take the case of a railway company that applied for several Bills in the last Session, which contained a provision that the new works which they proposed to construct should be constructed out of surplus capital; they deposited the declaration which has been mentioned, and which was held to be sufficient for the purpose. They were unable there to define precisely the sum which would remain uncalled for under any particular Act, and they therefore stated that, under various Acts of Parliament, they had power to raise sums of money; and that, after satisfying the purposes which were contemplated by those Acts, there would remain a sum of 1,000,000*l.* or 500,000*l.*, which would be sufficient to cover the expense of constructing those new works, without stating that there was 10,000*l.* surplus under this Act and 20,000*l.* under another Act; the whole, when put together in the aggregate, amounting to a sum which would be sufficient for the purpose.

12. Those sums of money arising by contribution under various Acts of Parliament so stated would not enable the Committee, before whom the Bill came, to see with reference to those Acts whether the capital which the company had been authorised by the Legislature to raise had been intended for special purposes or otherwise?—Yes, each Act of Parliament would be recited in the declaration; and therefore, by referring to that Act of Parliament so recited, the Committee would be able to ascertain whether or not Parliament had allocated that particular capital to a particular and specific purpose. But even if it were not so, assuming the purposes for which Parliament authorised the raising of the capital to be satisfied, and that there was a surplus remaining, the Bill would propose to enable the company to apply the surplus to the construction of new works, instead of creating new capital for the construction of the new works.

13. It might be the case that some of the powers taken in some of the former Acts had not been exercised by the company, and therefore there might be a diversion of capital from the purposes to which it was originally appropriated, and so far it would be to the injury of the parties, who would have been benefited by having those purposes carried out?—The clause inserted in the Bills last year contained the provision, that it shall be lawful for the company to apply to the purposes of the undertaking any part of the capital which they had been authorised to raise, which was applicable to any particular purpose, and which had been sufficiently appropriated to that purpose.

14. Do you see any objection to the principle of such a clause?—I think not; on the contrary, I think that Parliament would take care that a company should not, by getting a fresh power to appropriate funds that they were authorised to raise, evade the obligation, whatever it might be, to execute the works for which that money had been authorised to be raised.

15. The clause which you have described would guard against that which otherwise would be a possible, if not a probable danger?—I think it would.

16. I understood you to state, generally, that in your opinion all clauses which were to be repealed, or powers which were to be repealed, should be specifically either repealed in terms, or alluded to by the number of the section?—Quite so.

17. Do you hold the same opinion with regard to the extension affirmatively of the powers given in former Acts of Parliament to a new Act; do you see any objection to the specific clauses giving those powers being either re-recited, and re-enacted

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re-enacted *in extenso*, or referred to by the number of the section, in the same way as you propose with regard to repealing former Acts?—I see no objection to that course; on the contrary, it appears to me to be the most proper course to be adopted; it would certainly be a more convenient course to set out *in extenso*, in the new Act, the provisions of the former Act which you wish to re-enact, because that prevents the necessity of a party who is interested obtaining the former Act. But certainly, to say "that the provisions of the former Act shall be extended to this Act," is productive of great inconvenience, and it is that which has of late years created a good deal of difficulty in the interpretation of Private Bills.

18. You think that no inconvenience to the public, or in the mode of conducting business in the House, would arise from requiring a provision of that kind to be inserted in Bills?—At the present moment I do not see any. The matter comes rather fresh upon me, and therefore I should wish to express a qualified opinion. I do not see any objection to some such rule being laid down; it might be a rule which might require to be relaxed in cases that might arise afterwards, because, in speaking of so large a matter as private legislation has become in the last 20 years, to say that a certain rule shall be general and never relaxed, might involve a difficulty which one does not see at the moment. As a general rule, I should say that what you propose would be advisable, but that there should be a power in some public officer to relax that general rule, if a case were made out sufficiently strong to induce him to say that it should not be enforced.

19. Though it would be safe and advisable, as a general rule, you think there ought to be power vested in some party to relax it in special cases?—Quite so.

20. Mr. *W. Patten.*] You stated that one railway company had on several occasions been authorized to raise capital, and had surplus capital at their disposal?—I supposed the case of a railway company having surplus capital arising out of a variety of Acts of Parliament, amounting in the whole to so much; they would have great difficulty in ascertaining, and it would probably be a very lengthy operation to ascertain, the amount which they had unexpended of particular capital arising under a particular Bill.

21. There is great difficulty in ascertaining precisely the amount of spare capital which they have in each case?—There is.

22. Do you think that that difficulty could have arisen, if the suggestion which is now made had been adopted from the first, namely, that the powers given in each Bill should be stated definedly and not generally?—I do not think that that would have affected the case as regards the surplus capital.

23. This is a provision introduced into one Railway Bill, "That all the provisions, matters, and things contained in the recited Acts relating to the Chester and Holyhead Railway, as far as the same are now unrepealed, or are not inconsistent with or altered by the provisions of this Act, shall extend to this Act;" does that not give to the railway company a power of applying their capital, which would not be given to them without the insertion of those words?—I think it is probable that it would be so, but that is a question that should rather be answered by a court of law; the course generally adopted was, to extend the powers of former Acts to the new Act; to what extent that would operate to bring about the result you refer to, it is impossible for me to say, but that has been one cause of considerable difficulty in the interpretation of Railway Acts at the present day.

24. Mr. *E. Denison.*] Suppose the London and North Western Railway Company obtained 20 Acts of Parliament, and in each of those Acts there was power given them to raise a certain sum of money, and apply that sum of money to particular purposes; if they came for a 21st Act, and proposed to apply their surplus capital to the purposes of that Act, inasmuch as that surplus capital might arise out of capital proposed to be raised under any one of those last 20 Acts, it would be necessary that each Act should be specified?—Yes; and the probability is, that the surplus capital would consist of a portion of each of those capitals which they had obtained power, under different Acts of Parliament, to raise.—(Mr. *Coates.*) Would you allow me to make one observation. The possibility of applying any surplus capital which may be in the hands of a railway company to works mentioned in the Bill, does not arise at all from the clause extending the powers of past Acts; on the contrary, it is perfectly well understood to be a principle of law, and so it has been determined, that the capital authorised

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authorised to be raised under any particular Act can only be applied to the purposes of that Act, unless, indeed, there are in the Act some such words as those which are to be found in some Acts "that the capital shall be applied to the purposes of the Act, and the general purposes of the company." Those vague words are now scarcely ever permitted to be put into Acts of Parliament; on the contrary, the companies have been, within the last three sessions, through the agency, I believe, of the Board of Trade, more and more restricted as to the application of their capital. Then if a company proposes to make a work under the Bill out of surplus capital, it is quite understood, that having that surplus capital by one accident or another in their hands, they can only apply it under the provisions of the Bill; they cannot use that surplus capital, except under the powers of the Act which created the capital, unless Parliament gives them for the specific purpose that specific power. Then with reference to the origin of such surplus capital, it may occur from two or three causes: it may arise from the works costing less than was orginally estimated; that is not a very frequent source of surplus capital; it may arise from some portion of the work not being executed which the Act gave authority to the company to execute. But then there is no doubt there was a flaw in those Acts; it is very doubtful whether, ceasing the work, the power to raise capital has also ceased. A company is put into this difficulty, as the London and North Western Railway Company was last Session; it has perhaps not the power of raising additional capital under their Acts "for the general purposes of the company," but only for the purposes of particular Acts; then it has to determine whether it shall go to Parliament for power to carry this new work into effect by raising still further capital, or whether it shall avail itself of the power which is dormant, but capable of being revived, of raising capital which the former Acts gave them power to raise; and hence it is that they declare upon their first powers, not that they assume that those powers are applicable to the particular Bill, but that they go to Parliament for authority to apply those powers to the particular Bill.—(Mr. *Pritt.*) Following up that observation, I may say this: that the very Standing Order which enables companies to deposit a declaration, in lieu of a subscription contract, requires that that declaration shall state what the surplus is after carrying out the purposes authorised by any existing Act of Parliament, as well as any of the purposes which they seek to carry out by the Bill.

25. Mr. *W. Patten.*] From what you say, I gather it to be your opinion that it would not be safe for this Committee to recommend any Standing Orders, or any regulation which should make it imperative that no clauses of the kind referred to should be admitted into a Bill?—I think, as at present advised, it would be dangerous to lay down any rule which should be inflexible upon the subject. I think, if I may suggest so much, that a recommendation, which would have all but the effect of law, that Bills should be made integral Bills as far as possible, would have the effect desired, without involving the possible difficulty which I cannot help thinking might arise from an inflexible rule being laid down.

26. You do not know any Bill in the present Session in which it is proposed to incorporate former Acts?—I have, in the Bills which I have hitherto prepared, carefully avoided, as far as possible, any reference back to former Acts, except with regard to the constitution of the company, in which you cannot avoid such reference back.

27. Have you looked over the list of Railway Bills which are to come before Parliament during the present Session: you are aware that there a great many of them?—I believe there are a great many.

28. Are there, as far as your knowledge goes, any for the consolidation of Acts?—I do not remember that there are; but it is possible that they might have escaped my observation. I am speaking now of Railway Bills.

29. *Chairman.*] You think that if it were made a Standing Order, the number of exceptions would be so large, requiring relaxation from such a rule, that inconvenience would arise to parties from applying in the usual way for a relaxation of the Standing Order?—I am almost afraid there would. I can quite conceive cases in which any such imperative rule as that, might impose very great difficulties upon the parties promoting Bills, without any corresponding benefit to the public, and to legislation generally. I can quite conceive that there might be cases in which the extension of particular clauses in a former Act, though not expressly in terms, might render the Act so clear and so intelligible that

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that it might be a more desirable course than repeating the clauses in the new Act; such a case as this, which occurs to me at the moment. A railway company might have obtained an Act of Parliament, empowering them to make a branch railway in a particular direction, and clauses might have been inserted in that Act for the protection of a canal company, whose canal is crossed by the railway: for instance, clauses directing that the railway company, in the construction of their railway, should not interfere with or interrupt the navigation upon the canal, and imposing penalties as liquidated damages upon them if they did so, there being no parties concerned in that matter except the canal company and the railway company. If the railway company afterwards came to Parliament to make a new branch, affecting the canal in the same manner, I should doubt whether, in that case, it would be advisable to require that all clauses contained in the former Act with reference to the canal should be introduced *in extenso* into the new Act authorising the new branch to be made, because the canal company would not be affected by this new branch otherwise than by the old line. The canal company would be the parties at whose instance the clauses had been inserted in the former Act; they would be aware what clauses were inserted in that Act, and they would not be misled by any reference back in the new Act to those provisions, and that might be a more convenient course than repeating all the provisions in the new Act; because, if you come to re-enact clauses in the former Act, and by any accident, or inadvertency, or alteration of a word, they were not correctly inserted, the effect might be altered to a considerable extent, as far as regards the canal company.

30. You think it might be advisable, instead of reprinting clauses *in extenso* in the new Act, to refer to them by the number of the sections?—Yes.

31. Because the chance of alteration would be avoided by referring to the sections by numbers?—Yes; but there is an inconvenience in referring back to the sections in a former Act, that you compel the canal company or any other individuals affected to get the previous Act of Parliament and to read it, in order to see what it contains.

32. With reference to this requirement of Lord Redesdale, has it been carried out: "And that not only the usual clause directing the Bill and the old Acts to be construed together as one Act shall be omitted, but that a special provision shall be inserted, enacting that nothing in the new Act shall be held to affect, alter, or interpret the meaning of any of the former Acts, or any part or parts thereof (except so far as it expressly repeals the same); and that all the provisions of such Acts as shall not be repealed shall remain in full force, although contradictory to the provisions of the new Acts, and shall in all cases be interpreted as if the said Act had never been passed?"—I am not aware that there was any Act of last Session in which such a clause as that was inserted; I think that may have arisen from the fact that I have stated, that we carefully prepared our Bills according to the former part of the provision contained in his Lordship's letter.

33. So as to render the latter part unnecessary?—Yes; but if the question had been raised in any case, I think we should have satisfied his Lordship that it would be difficult to carry the latter part into effect; we should have had great difficulty in framing any clause which should meet that requisition.

34. Mr. *E. Denison.*] After your experience of the last Session, you think that the effect of carrying out the suggestion of Lord Redesdale, will be to improve private legislation?—With reference to making each Bill a separate Bill it certainly will have a beneficial effect.

35. Have the Bills of this Session been prepared in comformity with that suggestion?—I have as far as possible, and I think I may say in every instance, prepared Bills in conformity with that suggestion.

36. Would your experience of the last Session enable you to suggest anything that you think requires alteration or addition in this particular system?—I think not. I think it will be found, when the enactments of last Session come to be practically operative, and to be construed by the competent tribunals, that they are a great improvement upon past legislation. Looking to the present state of private legislation, no further improvement occurs to me.

37. *Chairman.*] Do the other gentlemen present concur in what Mr. Pritt has stated?—(Mr. *Coates.*) I think I would go a little further than Mr. Pritt has gone with regard to making each Bill an integral Bill. I do not see why each Bill should not be complete in itself. If the Bill is for making a branch, the

power

power of making the branch should be derived from the Railway Clauses Consolidation Act, and the Lands Clauses Consolidation Act, which would be incorporated in the new Act. If the company wants to raise money for the construction of the branch, I do not know why you should extend to the branch the original Act, and why you should not quote the particular clauses in the Consolidation Acts in giving them those powers.

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38. Mr. *W. Patten.* Does the Consolidation Act give to the company powers, for instance, of working the line?—Yes; I recite in the Act that there is a company in existence; I do not know why the original Act should be extended. You give the company the power to make a branch, and the power to raise money; the method of making the branch and of raising the money are to be found in the Consolidation Acts, and it strikes me that each Act might be thoroughly complete in itself.—(Mr. *Pritt.*) I think this point has escaped my friend Mr. Coates' observation, that you must not only provide for the company constructing and working the line, which unquestionably can, as he suggests, be done by certain provisions of the Consolidation Acts, but you must declare what the rights and privileges of the shareholders forming the company shall be. You may say that they shall be entitled to so many votes; so far you keep the Act integral; but then you must provide, as to the amount of the return upon their money, that they shall be entitled to the same rateable dividend as the original shareholders. In that way you refer to the original Act of Parliament. The only difference between us is, that Mr. Coates goes a little further than I do. I think, by introducing into the new Bill the provisions of the former Acts, you might render the Bill more complete, and in point of fact we do so; but there must still, as it appears to me, be cases in which it would be better to refer back to the original Act.

Lunæ, 14° *die Februarii*, 1853.

MEMBERS PRESENT:

Mr. Cardwell.	Mr. Bright.
Mr. Strutt.	Mr. Wilson Patten.
Mr. Denison.	Mr. Monckton Milnes.
Mr. Deedes.	

THE RIGHT HON. EDWARD CARDWELL IN THE CHAIR.

George Pritt, Esq., and *George B. Ellicombe*, Esq., called in; and further Examined.

39. *Chairman.*] THE subject upon which the Committee wish me to examine you at present is this: there is lying before me a draft resolution, in which the day is at present left blank, and which resolution is to this effect, "That no Railway Bill, containing any powers for amalgamation, lease, working arrangement, or other combination of interest between different companies, be read a second time before," and the day is left blank; will you be so good as to inform me whether any and what inconvenience would arise to the persons whom you represent if this resolution were to be filled up by saying, "till after Easter," for instance?—(Mr. *Ellicombe.*) A great inconvenience would arise, mainly from the fact that under the Standing Orders of the House petitions need not be presented against Bills of that description until seven days after they have been read a second time. According to the ordinary course of things, these Bills would have to be read a second time probably long before Easter, and those petitions would have to be presented in their due course, but if the presentation of petitions against such Bills were delayed to so late a period, the companies feel that considerable inconvenience would be sustained by reason of their not knowing the nature of the opposition which they would have to encounter, and that an advantage would be given to opponents beyond what the rules of the House give under the usual circumstances.

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40. Can you suggest to the Committee any mode by which, consistently with the usual proceedings of the House, that defect could be obviated?—I would venture to suggest that Bills, of the description to which you have referred, should be read a second time in due course, and that the House should pass a resolution suspending any further proceedings on those Bills until a certain day.

41. You are aware that the second reading is the stage at which the House declares its opinion upon the principle of the Bill, and that this Committee have not yet had an opportunity of taking any portion of the evidence upon which they are to found their opinion with respect to the question particularly submitted to them by the House?—Yes, I am aware that, theoretically, it is supposed that the House vote upon the principle of the Bill upon the second reading; but in the case of public Bills, especially, it is not an unfrequent course to pass the second reading *pro formâ*, and to let the discussion upon the principle of the Bill take place at a subsequent stage; but supposing that this Committee were to report that it is inexpedient that any Amalgamation Bills should be allowed to proceed during the present Session, that would be a general resolution of the Committee without at all inquiring into the details of each individual case; and it would be competent for the House, and probably would be the most convenient course, as involving only one debate, and one division, to resolve by a general resolution that all further proceedings upon Amalgamation Bills which may have been read a second time should be suspended. There would be no difficulty, it seems to me, in the House passing a resolution that all further proceedings upon Amalgamation Bills should be suspended for the present Session, even after they had been read a second time.

42. Are there not, in many cases, other provisions included in the same Bill, and would not the course which you suggest endanger the passing of Bills which might include other necessary provisions as well as provisions for amalgamation?—Yes, it would; particularly in the extended form of the resolution which you have read, including working arrangements. Clauses with regard to working arrangements are inserted in a vast number of Railway Bills now before Parliament, for making new works, because there is no Standing Order of the House restricting parties from inserting clauses of that description in Bills which are for making railways; therefore such a resolution would have the effect of suspending all railway legislation, upon a vast number of Bills, till after Easter. It would also suspend the proceedings of the Committee of Classification, because they cannot conveniently proceed to group Bills until they see what Bills are opposed, and what other Bills have reference to the Bills in the group, and how they affect the district which is to be supplied with railways by those Bills which are in the group. Therefore I think it would practically have the effect of delaying the railway business to a very late period of the Session.

43. Supposing a Bill, containing other provisions besides those for amalgamation, or leasing, or working arrangements, to have been read a second time, and that subsequently such a resolution of the House as you have suggested were carried, would it not be destructive of the whole Bill, not merely of the amalgamation portions of it; how would you propose to obviate that difficulty?—Then the resolution of the House might be so worded as to include only a certain portion of those Bills.

44. Would not the better course be, to include only those clauses of those Bills which had reference to amalgamation?—It might be done in that way.

45. Might not the resolution be, in order to further the proceedings with such Bills, that the whole of that portion of the Bill which related to amalgamation or combination of interest should be struck out before it was sent to the Committee?—That would be a very unusual proceeding; I do not know exactly, according to the ordinary forms of the House, how that could be done.

46. Might it not be done by an instruction to the Committee?—(Mr. *Pritt.*) It might be an instruction to the Committee, that they should, in the first instance, strike out of the Bill such portions as related to combination of interest.

47. Then I understand, that the course which you wish to recommend to the Committee is, that they should permit the second readings to pass in the ordinary course, but that no further step, beyond the second reading, should be taken by the promoters of the Bill, until some report should have emanated from

from this Committee, upon the subject of amalgamation?—(Mr. *Ellicombe.*) Yes.

48. And that you propose, with the intention of leaving it open to the House, if they shall think fit, to instruct the Committee on the Bill to strike out the Amalgamation Clauses before proceeding with the other portions of the Bill?—Yes. In the case of a Bill containing two objects, we have the precedent of 1846, when an Amalgamation Committee was sitting, and when the parties were directed not to proceed with railway or canal bills beyond the second reading till after a fixed period; and that is a precedent which I think might be followed upon this occasion.

49. Mr. *Denison.*] Did not the Committee in that case recommend that the Chairman of each particular Committee should take care that such and such provisions were contained in each Bill; was not that the result of it?—(Mr. *Pritt.*) At that time there was a clause inserted in all Amalgamation Bills, giving to the Board of Trade the power of requiring parties to apply to Parliament to remedy any evils which might result from the amalgamation; and if the powers which they had were not sufficient for the purpose, that they were to require them to apply to Parliament to get enlarged powers.

50. Mr. *W. Patten.*] Are there any other powers of importance in any of the Bills besides those relating to working arrangements, and the other powers you have just referred to?—(Mr. *Ellicombe.*) There are one or two Bills that have distinct powers for making new railways; one I might mention, which I happen to recollect, the Limerick and Foynes, for instance.

51. But those can have no amalgamating powers?—They have been inserted, I suppose, under the impression that they would be referred to the Standing Orders Committee by special petition, and that probably the Standing Orders Committee might be induced under the circumstances to give leave to the Committee to retain those clauses; that is the only course whereby they could be retained, because it is contrary to the Standing Orders.

52. But apart from the infraction of the Standing Orders, are there any other powers of importance contained in any Amalgamation Bills, to your knowledge?—Apart from working arrangement clauses, I think there are two or three; there is the Limerick and Foynes, a new line, with clauses for lease and sale; there is the Llynvi Valley Railway, with clauses for sale and lease to other companies, also new works; there is the London and North Western, Shrewsbury and Birmingham, and Shrewsbury and Chester Railways, powers to lease, with no limit fixed; that comes within the principle of amalgamation. There is the Monmouthshire Railway and Canal Bill, new works, purchase, or amalgamation with the Newport Dock Company; that is the purchase by a railway company of a dock; I believe that comes within the principle.

53. You alluded to the difficulty there would be in grouping these Bills if the second readings were put off; supposing there are no material powers except those of working arrangements and leasing powers, would not that difficulty cease?—It would exist to a very limited extent, because the numbers would be very few.

54. Are you aware how many Bills there are this Session containing amalgamating powers and working arrangements?—No, I am not aware; but I can say generally they are very numerous.

55. Do they form a large proportion of the Railway Bills?—I should think they do. I know that a great many of my own Bills contain working arrangements, and I think Mr. Pritt has many more. The clause for working arrangements is a very common one to be inserted. It is the only means whereby you can enable two railways to be worked together in a Bill which gives power to make a line.

56. Are the working arrangements usually for a long period of time or for a short?—I do not think there is any limit. (Mr. *Pritt.*) I think the cases where there is a limit would be quite the exceptions.

57. Mr. *Denison.*] How far do you think that an arrangement of this sort would meet the peculiar difficulties of the case, that postponement should take place of the second reading of the Railway Bills, say for a month; leaving however time, if it should be thought expedient, for them to be read a second time before Easter, and that then at the end of a month, or even of three weeks, a decision should be come to as to the absolute time to which they should be postponed?—(Mr. *Pritt.*) The difficulty of that course seems to me to be, that

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that it will postpone (which is, no doubt, to some extent, a hardship upon the companies,) the period at which they shall know whether their Bill is to be opposed or not, and what the nature of that opposition is to be. I entertain no doubt that in all cases which are postponed till after Easter, there will be every disposition on the part of the Committee of Selection to appoint the Committees upon those Bills at the earliest period; so that a company, instead of having a month, or two months, or three months, to get up their case in answer to a petition against them, would be very much restricted in time, from the anxiety to press business on. Will you allow me to make a suggestion which will perhaps meet the views of the Committee: that each Bill of this class should be read a second time in the ordinary course, and should then be referred to this Committee. Then the Committee, having the Bills before them, would have an opportunity of seeing the nature of the particular provisions contained in each Bill. Some Bills are for amalgamation, or giving power to amalgamate, if the parties think fit hereafter; others are for working arrangements. There is a great diversity of powers in those Bills. Then the Committees having the Bills before them, they would be out of the custody of the House, and they could not be proceeded with till the Committee should remit them back to the House. My object in making this suggestion is simply this: that the Bill being out of the House and referred to the Committee, and the House therefore having no further power over it till the Committee should remit the Bill back to the House, that would effectually prevent any proceedings being taken till your report.

58. Mr. *Denison*.] How do you get over the difficulty about grouping; supposing that, according to your suggestion, several Bills are suspended in some way or another; then how do you propose that the rest of the Railway Bills should be proceeded with, as regards grouping, while many of the most important Bills are suspended?—From the general recollection I have of what the Bills are in the present Session, I do not think that any very great difficulty would result from the postponement of pure amalgamation, purchase, or lease Bills, because I do not think that many of those Bills would, of necessity, have to be grouped with Bills for making other lines. I think the bulk of those would be independent separate Bills, and would, in all probability, go to the Amalgamation Bills Group; but when the question is enlarged, by taking in all Bills, in which working arrangements are concerned, that does complicate the matter very much, because most of those Bills are Bills also for the construction of a railway. The only suggestion that has occurred to me, in that case, would be to follow the precedents of 1845 or 1846, in which, in cases where Bills comprised powers both for the construction of works and also for leasing, the parties were required to withdraw their Bill, and to present two; and then the Bill for the construction of works proceeded in its ordinary course, and the other was referred to the Amalgamation Group, amongst the other Amalgamation Bills; but that is an undesirable course, if it can be avoided.

59. But how would you meet the difficulty suggested in the last question, with respect to the grouping of the Bills; namely, that there would be a Committee appointed to sit upon a certain number of Bills relating to a particular district, while other Bills, relating to the same district of country, were suspended?—What I meant to say was this, that I think the cases of exceptions would be rare, in which the Amalgamation Bill would, of necessity, be grouped with any other Bills. If there were those cases, the difficulty is one which I do not see any way of meeting, except by postponement.

60. Then you conceive that, supposing there are 20 great Amalgamation Bills brought in this Session, and supposing that they are permitted to go forward, they can all be referred to and dealt with by one Committee?—No, I do not think they could; nor would that be a necessary consequence. In 1846, for instance, there were two, if not three Committees appointed upon Amalgamation Bills. Over one of them Sir Francis Baring presided, and over the other Mr. Ellice presided; and the Bills were all referred to them, as far as my recollection goes, according to the district from which they came. For instance, the London and North Western Bills went before Sir Francis Baring's Committee, and the York, Newcastle and Berwick, and the other Northern lines, went before Mr. Ellice's Committee.

61. Then you contemplate that there should be more than one Committee on Amalgamation

Amalgamation Bills?—Yes. (Mr. *Ellicombe.*) As to the number, I do not think you will find that there are 20, or half that number, of simple Amalgamation Bills, without including the Bills which have working arrangements.

62. *Chairman.*] You have not quite given a distinct answer to Mr. Denison's question as to whether, if this resolution were carried with a shorter period inserted in the blank, any great inconvenience would result?—(Mr. *Pritt.*) The inconvenience which would result would be what has been already mentioned, a postponement of the presentation of petitions against the Bill; and also this, that after the second reading of a Bill, of necessity something like three weeks elapse before the Committee can sit, and, of course, the later in the Session that the second reading is postponed, the later must the Committee sit; whereas if the second reading were to take place in the ordinary course, and then the further proceedings upon the Bills were suspended till after the report of this Committee, there would be a considerable saving of time when this Committee have made their report, assuming that it is not adverse to the further progress of Amalgamation Bills; because then the Committee might be appointed at once, instead of having to wait seven days for the presentation of petitions. It would save 10 days in the time of the sitting of the Committee after the Report from this Committee had been made, if you read the Bills a second time now, as compared with the effect of postponing the second reading.

63. Supposing the second reading were permitted to take place before Easter, so that the Committee on the Bill might begin to sit immediately after Easter, would that attain your object?—It would diminish the difficulty considerably. The only inconvenience then would be to those particular Bills which might be read a second time earlier than that, and the petitions against which must have been presented before that time arrives. Those probably would be few comparatively. That is the difficulty which we feel, the postponement of the second reading being of necessity the postponement of the presentation of petitions against the Bill.

64. Then, in substance, a postponement for three weeks, though it might be an inconvenience, would not be a very great one?—Not nearly so great as a postponement till after the Easter holidays.

65. Mr. *Denison.*] If from this day a postponement was made for a month, would there not be ample time to have every Railway Bill read a second time before Easter?—I think all the Amalgamation Bills would be ready for a second reading before Easter; some will not be ready much before.

66. *Chairman.*] Then, practically, if we were to pass the resolution which I read to you at the beginning of the examination, with the insertion of the words "one month," we should both accomplish the object which this Committee has now in view for the protection of the House of Commons, and we should also be secure against causing you any material inconvenience in the conduct of your business?—No doubt the inconvenience would be very greatly diminished by taking a shorter time than we at first anticipated. Then there is also this great difficulty; with regard to Amalgamation Bills proper, the difficulty of course would be very much diminished by the course now proposed; but with regard to Bills for the construction of works and for working arrangements, the postponement of the second reading of those Bills would not only lengthen the time during which the parties objecting to the working arrangements might present their petitions, but also parties objecting to other parts of the Bill.

67. Can you suggest any method by which, the object of the Committee being attained, that difficulty may be surmounted?—The course that occurs to me would be an Order of the House, that in all cases where the second reading of the Bill is postponed, the petitions against the Bill should be presented, taking the longest period, say 17 days, after the first reading of the Bill. I am taking now the longest period which by the Orders of the House can elapse between the first reading of the Bill and the second reading of the Bill, namely, 10 days; then seven days are allowed for the presentation of petitions; so that, if the time for the presentation of petitions were altered from seven days after the second reading to 17 days after the first reading, then all parties would be left in the same position as at present, and no inconvenience would result upon the question of the presentation of petitions against the Bill.

68. Mr. *Strutt.*] Do you mean that you would allow petitions against the Bill to be presented before the second reading?—Yes; there is the power of doing that now. I think if an order of that kind were made sufficiently early,

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and it were made generally known, no inconvenience to any amount would result to the opponents to Bills, and that great inconvenience would be saved to the promoters of Bills. I might add this, that supposing that by any accident any opponent was misled, in consequence of this alteration of practice, the Standing Orders Committee, I would venture to say, upon a statement being made to them that it was a *bonâ fide* misleading, would give relief and allow the petitioner to be heard, although he might not have presented the petition within 17 days after the first reading.

69. *Chairman.*] If such an order as you now suggest were made, might not considerable confusion be created in the case of private individuals in the country who have petitions to present, and who are aware of the ordinary rule of the House, which allows seven days after the second reading for presenting petitions against the Bill?—No doubt some individual cases of inconvenience might result; but the great bulk of solicitors practice in Parliament through the instrumentality of agents. I think I know now pretty well all the Bills I am going to oppose in the present Session, and by whom I shall be instructed to oppose them; but I think that, if any inconvenience did arise in that respect, it would be remedied through the instrumentality of the Standing Orders Committee, who, upon a case of misleading, in consequence of the alteration being shown to them, would give the parties relief, as they have the power to do.

70. Mr. *Milnes.*] Did you expect, if there had been no interference on the part of this Committee, to have got any of the Amalgamation Bills into Committee before Easter?—Not into Committee, but I should have had them all read a second time before Easter. (Mr. *Ellicombe.*) And probably a day would have been fixed for going into Committee immediately after the re-assembling of Parliament after Easter.

71. Mr. *Bright.*] Are there not many cases in which private parties, who intend to oppose Bills, and who take the Standing Orders as their guide in their proceedings, might delay the presenting their petitions till after the second reading?—Undoubtedly that might happen, but the Standing Orders Committee would, I have no doubt, give them relief in such a case.

72. *Chairman.*] The summary of your opinion is this: that if we allow Bills to be read a second time before Easter, so as to go into Committee immediately after Easter, we shall overcome all your objections, except one, which is, that this postponement may have the effect of giving to petitioners a longer period to prepare their opposition than they would otherwise have; and to meet that difficulty which still remains, you have suggested to us that we should consider the propriety of restricting the time?—Quite so.

73. Mr. *Strutt.*] You have stated also another objection, namely, that you would have a shorter notice of the opposition?—(Mr. *Pritt.*) Yes; both those points are objectionable; and we know practically that a long delay of the second reading of a Bill often invites opposition, which otherwise might not have arisen.

74. *Chairman.*] The intervention of the Easter holidays would give you a longer period to prepare your case in answer to the opposition?—Not unless the Bills are read a second time seven clear days before the adjournment, otherwise the petitions would not have to be presented until after the re-assembling of Parliament.

75. But the proposal being to postpone the Bills for a month, that would leave seven clear days before Easter?—I think that would only leave time for the second reading immediately before the holidays.

76. But a postponement to such a day as would leave seven clear days before the holidays would answer all these objections except the one to which I have already referred?—Yes.

77. Mr. *Denison.*] Is not it the case, that the opposition, or expected opposition to railways, in the present state of railway concerns, is very different from what it would have been five or six years ago, when the great contests about railways were going on, and that you do not practically expect the same great oppositions as you used to have in those days?—I do not quite know in what respect there is any great difference. I should say that there is no material change the last four or five years.

Mercurii, 16° die Februarii, 1853.

MEMBERS PRESENT:

Mr. Cardwell.	Mr. Laffan.
Mr. Wilson Patten.	Colonel Mure.
Mr. Evelyn Denison.	Mr. Labouchere.
Mr. Bright.	Mr. Strutt.
Colonel Jones.	Mr. Deedes.
Mr. Monckton Milnes.	

THE RIGHT HON. EDWARD CARDWELL IN THE CHAIR.

Samuel Laing, Esq., a Member of the House, Examined.

S. Laing, Esq., M.P. 16 February 1853

78. *Chairman.*] YOU have been Secretary to the Railway Department of the Board of Trade; you have had considerable practice as counsel before Committees of the Houses of Parliament upon railway subjects; you have been frequently examined as a witness before general Committees on the subject of railways, and you are now chairman of the Brighton Railway Company?—Yes, that is so.

79. Will you have the goodness to state to the Committee what is your opinion upon the subject of the past legislation of Parliament in reference to railways?—There can be no doubt that the railway legislation of this country has been exceedingly defective, and has entailed a very great loss, in the first instance, upon the railway proprietors, and ultimately upon the public; I may say, as the measure of the loss that has been sustained, to sum it up in round numbers, that I should think on the 7,000 miles of railway now in operation in this country, there has been an expenditure of about 10,000 *l.* a mile, upon the average, over and above the rate at which they might have been constructed under a different system of legislation, making a total of 70,000,000 *l.*

80. Will you explain how that great waste of capital has resulted from past legislation?—I think it has arisen mainly from the uncertainty of that legislation; from having no definite principle whatever laid down as to whether competition was or was not to be the rule. That circumstance during periods of excitement, such as 1845, has led to the multiplication of an immense number of schemes prosecuted at an almost reckless expense; in fact, I should say a company like the London and North Western Railway Company has been, for the last 10 or 15 years, almost perpetually in the position of carrying on a contested election, spread over half a dozen different counties.

81. Besides the waste of capital which you say has been raised in the creation of the lines which now exist, are you of opinion that the same number of miles of railway as now exist, might with more judicious legislation have been made to render to the public much more efficient service than the present lines?—If they had been constructed, as I think they might have been, for 70,000,000 *l.* less than they have cost, there is no doubt the public might have had the advantage either by a reduction of fares, or by an increase of accommodation, or in both respects.

82. Might not lines of railway to the same amount in mileage have been more judiciously spread over the country, so as to render to the public a greater aggregate of service than is rendered by the present lines?—Certainly, in many cases it might have been so.

83. Could the same amount of population have been accommodated with railway communications more economically than they are at present?—I think so, decidedly.

84. What do you calculate the actual cost of the 7,000 miles of railway of which you speak, as now existing?—I think they will average about 40,000 *l.* a mile by the time they are fully completed; that would make 280,000,000 *l.* in round numbers.

85. Are you taking in your present estimate, the mere cost of construction, or are you including the additional expenditure which, as you think, has been needlessly thrown away?—That includes the additional expenditure of 70,000,000 *l.*;

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70,000,000 *l.*; instead of costing 40,000 *l.* a mile, I think the railways might very well have been constructed for 30,000 *l.* a mile, or less.

86. Therefore one-fourth part of all that has been expended on railways up to this time, has been absolutely wasted?—I think so.

87. Mr. *Bright.*] In that estimate, do you include any unnecessary and increased expenditure from the extravagant price which has been paid for land?—That has been one very large item in the waste of capital.

88. In the 70,000,000 *l.*?—Yes. When you have had two competing lines before a Committee, and a mere trifle, like the opposition of a single landowner, might turn the scale between two nearly evenly-balanced schemes, incredible sums have been paid for land.

89. *Chairman.*] Are you of opinion that the same evil consequences may to any extent be expected to continue, unless Parliament, by some new plan of railway legislation, interferes to prevent them?—I think the only security against it now is, the reluctance of the public, after the losses of 1847 and 1848, to embark in new railway enterprises. But, assuming that there were a speculative disposition on the part of the public, I see nothing in the course of legislation, or in the constitution of Committees of this House, to prevent the recurrence of what took place in 1845.

90. Are you of opinion that the present time, when that speculative disposition does not exist, is a favourable time for Parliament to consider what measures shall be adopted with regard to the future?—Certainly.

91. Will you be kind enough to point out what measures, in your opinion, would tend to place railway legislation on a sounder footing for the future?—I have always considered, myself, that the first thing to be done in dealing with this matter is, to solve the question, whether the principle of unrestricted competition, applicable to ordinary commercial enterprises, is applicable to the case of railways, or not; if it be not applicable, then we must admit them to be monopolies, and give them an exclusive control over certain districts, and subject them to such regulations as are required for the protection of the public.

92. Are you of opinion that, in order to make competition act effectually, a separation of the whole of the competitors is essential?—I think all that can be said upon that point is summed up in the pithy sentence which I believe came from Mr. Robert Stephenson, that "where combination is possible, competition is impossible."

93. Are you of opinion that, if Parliament does not legislate on the subject of railways, a combination of interests will take place between companies that are now rivals?—The number of competitors in the case of railways being necessarily limited to two or three at the outside, I think it is perfectly certain that combinations will take place, and that it is merely a question of time when those combinations will take place. In the great majority of instances they have already taken place.

94. It is your opinion that the best time for Parliament to interfere is rather before than after the consummation of that system?—Yes; it may be too late afterwards. Railway companies that have entered into alliances and combinations may not be willing to pay such a price for protection as they would be willing to pay at the present time.

95. Are you of opinion that, if Parliament consented to an amalgamation, it might reasonably require that some power should be vested in Parliament, or some authority appointed by Parliament, for the protection of the public?—I look upon amalgamation as one branch of the general question, whether railways are to be considered as monopolies in particular districts; if they are recognised as such, and protection is given to them against competition, it is only right and reasonable that the public should have such a security in the way of regulation as would place them in as good a position as they would have been in if competition had been authorised.

96. Is not every legal combination naturally, to a certain extent, a protection against future competition to companies who are allowed to amalgamate?—As far as it goes it is, but in the amalgamations that have hitherto been proposed, it would be so only to a certain extent. For instance, the London and North Western Railway Company are proposing, I believe, to amalgamate with the Midland and North Staffordshire Railway Companies. If that were allowed, it would by no means secure them against competition from the Great Western Railway

Railway Company on the one hand, or the Great Northern Railway Company on the other; it only gives them this additional security to that which they had before, that the North Staffordshire Railway Company might not at some future period go over to the enemy and array themselves against them.

97. Is not that a protection to the companies so amalgamated?—It is a question of degree. I do not think it is very great.

98. Was not the great amalgamation of the company of which you have spoken, in the year 1846, very much stimulated by the proposal of the Great Western Railway Company and the Grand Junction Railway Company to combine to injure the London and Birmingham Railway Company?—Yes; but that amalgamation has not prevented the introduction of competition on both sides of that district, namely, by the Great Western Railway Company on the one side, and the Great Northern Railway Company on the other.

99. But has it not been substantially a very great protection to the interests of the persons so amalgamated?—It is entirely a question of degree. There is no doubt that those amalgamations have been some protection, and that they are sought mainly because it is thought that they will give protection; but to the extent to which they have been yet carried I do not believe myself, and I do not think that the opinion of the railway interest generally is, that they would afford anything like a complete security.

100. Did you not say that where combination was possible competition was impossible?—Yes.

101. Is not legal combination therefore a great advantage granted by Parliament to companies who are permitted to combine?—The combination could be effected in almost all cases without any formal sanction from Parliament.

102. But a combination effected only by agreement, and depending on the continuance of a good understanding between the parties, is a very different thing from a fusion of interests sanctioned by Act of Parliament?—Of course it is a greater security if you have an amalgamation by Act of Parliament, more especially against new lines being projected in connexion with one or other of the two systems.

103. Do you not think that, when great companies are permitted to amalgamate, the stock of those companies derives from Parliament an additional real value?—Sometimes it is so, but I think it is very much a question of degree. Take the case of the Great Western Railway Company. Supposing them to extend the broad gauge to Birkenhead, there is no question that sooner or later they and the London and North Western Railway Company would combine, and divide the traffic. If you allow them to amalgamate, that would be a considerable additional security, both because the division of traffic so made would be permanent, and because there would be less danger of fresh branches, and consequently of new schemes being launched in connexion with one or other line within their respective districts.

104. Then you admit that it would be a protection to amalgamated companies against the risk of future competition?—An amalgamation between the Great Western Railway Company and the North Western Railway Company, or between the Great Northern Railway Company and the London and North Western Railway Company would, I think, be a great protection from competition; but if it is a question of an amalgamation between the London and North Western Railway Company and the North Staffordshire Railway Company, or the Midland Railway Company, or some of those branches that run out of the North Western line, I do not think it is a great protection; it is only a small matter.

105. Do you not think that a company possessed of the command of the country from London to Carlisle, and from Gloucester to York, stands in a much stronger position as regards protection against future competition than a line very much smaller in its capital, and in its extent of mileage?—The competition to which the London and North Western Railway Company is exposed now is from competitors who are almost equal to themselves in resources, namely, the Great Western Railway Company on the one side, and the Great Northern Railway Company on the other; an amalgamation with those two great competitors would give a great security, but an amalgamation with a few small branches here and there, not trunk lines, would not give them any great additional security.

106. Has there ever been a question to your knowledge of amalgamation between

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between the Midland Railway Company and the Great Western Railway Company?—I think I have heard it talked of. I do not know whether it has been the subject of serious negotiation or not.

107. At all events, it is possible that there might be such an amalgamation?—Yes.

108. Would not the closing the door against such a possibility, by uniting in one body the London and North Western Railway Company and the Midland Railway Company, be a very great protection to the London and North Western Railway Company?—Yes, no doubt; and it is mainly with that view that these amalgamations are sought for, to prevent the possibility of a certain company changing its politics and going over to the enemy.

109. Then what Parliament really does, when it sanctions such amalgamations, is to remove from the companies amalgamated the risk of future competition?—To a certain extent; I do not at all deny that those amalgamations, as far as they go, give an additional security, which the companies would be willing to pay a certain price for. I merely wish to say, that they do not convey that absolute security for which it would be worth the while of the companies to pay a very large price; but if Parliament made up its mind to say, "Competition is impossible in the case of railways, therefore let us avow that monopoly must be maintained, and give the railway companies the possession of certain districts," it would be worth the while of the railway companies to give a large price, and to submit to very stringent regulations for that advantage.

110. Mr. *Bright.*] It will be in your recollection, that there was a railway proposed from London to Manchester; any amalgamation between the London and North Western Railway Company and the Great Western Railway Company would not affect that, supposing such a scheme should be originated again, and upon the present policy of Parliament carried out, and therefore it would not be an entire protection in that case?—No, it would not be an entire protection, but it would be a considerable protection; because the expense of getting a metropolitan terminus is so enormous, and is probably increasing so much every day, that unless a rival scheme is grafted upon some existing company, there is no immediate probability, in the present state of the money and railway markets, of having it carried out; therefore to that extent it would be a considerable protection, but it would not be a protection that the company would pay such a large price for as it would be willing to pay for entire protection.

111. *Chairman.*] What you are pointing to is an entire monopoly, sanctioned by Parliament, and guaranteed to railway companies?—Yes, railway companies would be willing to pay the largest price for that, and to submit to any amount of check that Parliament or Government might think necessary to protect the public; for partial protection they would pay a partial price, but of course not nearly so much as they would pay for entire protection. I think you would find, on the part of the railway interest, a disinclination to pay the price, unless they had a protection in clear, distinct, and entire terms.

112. Supposing Parliament to sanction the principle of amalgamation in the instances in which Parliament is now asked to sanction it, is it not your opinion that the public would be entitled to expect that a very considerable security should be given to them at the time when such arrangements were made?—It would be entirely a question of degree. I think if you asked for as much security in the case of those partial amalgamations as might fairly be demanded in exchange for entire protection, the result would be, that the amalgamations at present asked for would be abandoned by the companies.

113. Is it not probable, that if the amalgamations which are now before Parliament be carried into effect, they will be but the beginning of a general amalgamation extending throughout the whole of the railways in this kingdom?—I do not see that that quite follows. I think the principal amalgamations now before Parliament are similar to those of the North Western Railway Company; viz., of branches or extensions which naturally work into the existing system; and it does not follow, because Parliament permitted that, that it would permit amalgamation with the Great Western Railway Company or the Great Northern Railway Company; the result of which must be, that the amalgamation will go round all the points of the compass, and end in the creation of one sole railway company for the whole kingdom.

114. Admitting that amalgamation would be a decided protection to the companies amalgamated, do you not also admit that the public would have a right

right to ask for some terms, if such an amalgamation were sanctioned by Parliament?—Certainly, to some terms; but the question is what those terms should be.

115. Mr. *Labouchere.*] You stated that you calculated that about 70,000,000*l.* of money had been thrown away in railway speculations during the railway fever which prevailed some years ago. Was not a good deal of money thrown away upon other schemes at the same time, such as foreign mines and English mines?—At other similar periods of excitement that was the case, but at that particular period the speculation took the direction of railways.

116. But were not mining schemes very rife at that time?—No; 1825 was the great period of speculation in foreign mines.

117. Do not you think that something must be attributed to the spirit of speculation in foreign mines which prevailed at the time, as well as to there being something injudicious in the mode of railway legislation?—Yes. I merely mean to say that if we could do the whole thing over again, and could now have a rational system of legislation, we might do it very well for 70,000,000*l.* less money.

118. Mr. *E. Denison.*] You have been asked a question about the principle of railway legislation. Do you think that, if the principle of future railway legislation is to be considered by this Committee, they should go beyond the limit of the proposed amalgamations, and consider, in the first instance, whether the principle of competition should be recognised, or whether the principle of monopoly should be considered to be the basis of future railway legislation?—Most decidedly that is my view of the question. If you confine yourselves to the present amalgamations, I doubt whether you will arrive at any satisfactory result.

119. With the experience of past years before us, do you think the principle of competition is a principle which can be relied upon as the basis of future railway legislation?—I do not think there can be the least doubt, in the mind of anybody who examines the subject, that the principle of competition is quite inapplicable to railways. I do not know any instance where a competition has been established for any time where it has not led to combination.

120. Then would you recommend that a new principle, the principle of monopoly, should be recognized by this Committee, and that the proceedings of the Committee should be based upon that view for future railway legislation?—Decidedly, that is what I would recommend. That was the view substantially taken by Mr. Gladstone's Committee in 1844, and by Lord Dalhousie's Railway Commission in 1845; that certain districts should be assigned to particular railway companies, and that they should get protection from competition in those districts, in exchange for certain advantages that they were to give the public.

121. Mr. *Labouchere.*] Do you think it would be possible to apportion districts to the existing railway companies, and to give them a monopoly within those districts?—Yes, I think it would be perfectly practicable to assign districts to particular companies, and to have some tribunal to refer to for that purpose; and also to make a division of the traffic where two districts came into contact.

122. Do you think it would be useful, before such a division should take place, that there should be a partial fusion of certain railway companies?—If there was any probability of such a general arrangement taking place, I think it would be better that the amalgamation should stand over; if that principle is to be carried out, I think you should make up your mind as to certain districts, and then say that within such districts it should be lawful for a public department, such as the Board of Trade, to negotiate conventions with the railway companies upon a certain specified basis.

123. Are you opposed to any attempt to make a fusion of the different railway companies throughout the country?—Yes, I should be opposed to that; I am afraid that would be almost equivalent to Government taking the railways into their own hands, and from the experience I have had of the working of foreign railways, in Belgium especially, where the railways have been in the hands of the Government, I am satisfied that a system of that sort would never do for this country. If we had had one large company, like the India Board or the Bank of England, managing all the railways in the country, and that company were placed under stringent Government control, I think our maximum speed would not have been above 20 miles an hour, as it is in Belgium.

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124. Mr. *E. Denison.*] Will you mention what you think, taking matters as they stand, would be the best course for Parliament to pursue?—I should say, to make up your mind to admit the principle of monopoly, getting from the companies proper equivalents in the shape of the regulation of the companies; that you should then portion out the country into certain defined districts, of moderate extent, where the groups would naturally work together; that you should authorise the Board of Trade to conclude conventions with the railway companies, within those districts, to provide railway accommodation for the public. The protection that you ought to get seems to me to be, in the first place, a periodical revision of the tariff; you ought to have a security in giving a monopoly of the districts to companies, that they shall not get inordinate profits out of those districts, at the expense of the public, and that must be met by a periodical revision of the tariff, when the companies get beyond a moderate return, say, in most cases, 5 per cent.

125. Mr. *Labouchere.*] Practically, has it not always been found, where the profits of a railway company were limited to a certain per centage, that that was totally inoperative?—I think not; I think the railway accounts now are intelligible.

126. Have not railway companies always managed to keep their profits below the point fixed?—I do not think so; I do not apprehend any difficulty now in regard to the audit of our accounts; some years ago it was difficult, when railway accounts were quite a mystery; but now, I believe, they are as thoroughly understood and are as plain as the accounts of any other commercial operations.

127. Mr. *W. Patten.*] Then you think that the same objection does not apply to the establishment of a railway audit that was raised by railway companies a few years ago?—I think the same objections would exist now as were raised then to the establishment of a public auditor, unless that should be for any public purpose, such as to ascertain when the revision would take place.

128. Mr. *Labouchere.*] Do you think an audit would be enough to operate as a check over the expenditure, if the public had an interest in reducing the expenditure, and the company had no such interest?—You might have an arbitration upon it, or you might give the Board of Trade power to bring a Bill into Parliament, for the compulsory revision of the tariff, giving the company power to go before a Select Committee, and discuss the question there.

129. I am supposing the case of a railway company, in order to avoid coming within the scope of what you suggest, increasing its expenditure unduly; do you think it would be possible to give Government such a control over the expenditure as to prevent that; is it not a question of minor details?—No, I think not; a company can only increase the expenditure by increasing the public accommodation, to which I suppose you would not object, or by giving extravagant salaries; I think extravagant expenditure, as compared with other railways, could be easily ascertained by the auditor; you might have arbitration upon it, or what would perhaps be preferable, you might give the Board of Trade the power of introducing a Bill to enforce compulsory revision, and give the railway company the power of going before the Select Committee.

130. Mr. *E. Denison.*] Is it your opinion that the state of railway matters at the present time is such that railway directors would be prepared to meet Parliament with the concessions which would be necessary to give every possible security for the accomplishment of these objects?—I think the great majority of them would be prepared to meet Parliament with those concessions, provided they got a distinct and clear equivalent in the shape of protection; if that equivalent were merely a Report, laying down principles, or anything of that sort, or approving of certain partial and limited amalgamations, I do not think you would find railway directors, or railway shareholders, prepared to make any concessions at all.

131. There is one point that you spoke of, the danger to existing companies of fresh lines being constructed; that, in other words, is increased convenience to some districts that are at present without railways; if railway companies were secured from competition, how would you provide that reasonable facilities should be given to parts of the country which at present are without railways?—I should never give a railway company a monopoly of a particular district without tying it down very securely to provide any additional accommodation that is wanted to complete the railway communications of the district, for I think that is most important to the public; the first requisite for the public is,

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to get as many railway communications as possible; power must be given to some public department, for instance, the Board of Trade, upon a reasonable case being shown, to call upon the railway company to make those branches.

132. Mr. *W. Patten.*] What would you consider a reasonable case shown; would it be that the branch when made would pay itself?—It would depend upon the value of the original stock of the company; if the railway was paying 5 per cent., and its stock was at a premium, you might call upon the company to make branches upon a very moderate expectation of profit, but if its stock were at a discount, you might call upon it to make the branch upon its appearing that it would yield a fair return for the capital laid out.

133. In the present competition of railways, we may suppose a country lying between two competing railways, and the accommodation of that country depends upon the competition between the two companies, though it does not appear to be a paying line, the companies being anxious to get the traffic of that country into their own hands, and not to let it go into the hands of their opponents; if those two companies were amalgamated, how would you meet that case?—I think there should be a power in some public department to call upon the company to make a branch; supposing the landowners of a particular district show that the branch is of importance to them, and that it might be made with a reasonable profit, or without any great burthen upon the company.

134. Those would be considerations to be gone into before the order was given to form the railway; the public accommodation, and the profit that would be received upon the capital invested, who would have to judge of that?—If you give a monopoly of the district to a railway company, you must give an independent body, such as the Board of Trade, the power of judging of that; in the first instance, you must give them the power of bringing in a Bill for the purpose of compelling the company to make the branch, which Bill might be opposed by the railway company, before the Select Committee, where they might be heard by evidence.

135. There are many instances now in which railway companies make lines to accommodate districts, which are not in themselves paying lines, but lines made for the object I have stated; do you think it would be considered a fair thing for the Board of Trade to take upon itself to compel a line to be made to accommodate a district which could be shown not to be a remunerative line?—In any case, I think the number of branches you would have made depends upon the premium of the original stock of the company; if the stock of existing railway companies is at a premium, that operates as an inducement to the companies to make new lines, and to create additional capital, that capital being at a premium; if, on the other hand, the shares of railway companies are at a discount, though you may occasionally get unremunerative lines made by competition, you cannot depend upon such lines being made to a great extent; and if you take it over a series of years, you cannot depend upon any number of new lines being made when railway stock is at a discount.

136. Is it not within your knowledge that a great many towns that have been accommodated with branch lines have been accommodated simply with a view to secure a particular district to a particular line, without much regard to the profit to be derived from that particular traffic?—Yes; but I think you would have a greater number of branches, if the stock of the original companies were kept at a premium, so as to make it the interest of the existing companies to increase their capital.

137. *Chairman.*] Supposing you divide the country between two of the great railway companies, and there is a cross traffic between the territory of one company and the territory of another company, and in order to supply accommodation for that cross traffic a branch at right angles is required, it may be to the interest of those two great companies to prevent that cross line being made, because each of them may be carrying passengers to that district by a circuit, and getting a much greater mileage as things now stand; how would you propose, under this arrangement, to accomplish that reasonable object for the public?—I think you must give the Board of Trade an absolute and unlimited power of requiring the railway companies to make branch railways within that district.

138. Is not that, in fact, enabling the Board of Trade to deal with the finances of those several companies?—I do not think the railway companies would be much afraid of leaving that power with the Board of Trade, if, as a general principle, they were secured in the possession of the district, and saw their

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their interests identified with those of the public by a periodical revision of their tariff.

139. Do you think it would be a plan likely to work well that, first, Parliament should grant an absolute monopoly in different parts of the kingdom, to separate companies, and then that Parliament should reserve power to the Executive Government to interfere with the financial arrangements of those companies to their prejudice, with a view to the public good?—That is the best solution of the difficulty that I can suggest.

140. Mr. *Labouchere.*] Do you think that there would be no danger of suspicion arising that undue influence was brought to bear in compelling the construction of branches, with a view to accommodate particular towns?—I think that would be very much met if you gave the railway company the power of appeal from the Board of Trade; if, instead of the Board of Trade giving an order of that kind, of its own authority, it had the power of introducing a Bill to compel the company to make the branch, which Bill would go before a Select Committee, where the public would be represented on the one hand and the company on the other.

141. Would not that entail all the mischief and expense of contested private Bills?—I think not; for in nine cases out of ten, the matter would, I believe, be settled by arrangement with the Board of Trade.

142. *Chairman.*] Is not the experience of six or seven years ago very adverse to that conclusion?—The Board of Trade in that case had no power of deciding; it was simply a recommendation that they gave.

143. In this case they would have a power, subject to the authority of Parliament, which would be much the same as their making a recommendation?—The matter would be settled by arrangement between the company and the Board of Trade, and they would be allowed to bring in the Bill without any opposition.

144. Mr. *Labouchere.*] You have been connected with the Board of Trade?—Yes.

145. Did you find that when the Board of Trade forced upon a railway company anything which they thought prejudicial to them, the company followed the advice which the Board of Trade gave?—The Board of Trade had never any equivalent to give; all those attempts at supervision have broken down, from there being no tangible equivalent to give to the railway companies. In 1844 and 1845, railway companies made what were considered by them very large concessions, namely, Parliamentary trains, and the power of revision, for which they got no equivalent.

146. Is there not on the part of Railway Boards a very natural jealousy of any interference by the Board of Trade with their affairs?—With the details of management there is, and there is a jealousy of interference where you do not get an equivalent; there is a very strong feeling on the part of railway companies, that hitherto all those negotiations have been one-sided; that railway companies have made large concessions, while they have had promises in return, which have not been fulfilled.

147. By the system, as I understand, that you would propose, the Board of Trade would be fighting the battle of the public against the pecuniary interests of the railway companies; do not you think there would be a strong resistance, and a most effectual resistance, in the House of Commons to any action of the Board of Trade in that direction?—I should not apprehend that practically, because in the plan I propose, the railway company is secured in the possession of a certain district, subject to revision when the company shall have realised a certain per centage, say five per cent. I do not apprehend the Board of Trade would attempt to thrust upon the railway company the construction of unremunerative branches to so great an extent as to reduce the dividend of the company below that point.

148. Under your plan, would not the railway company have already received the price of the interference, and the interference would come afterwards in detail upon points upon which you admit the Board of Trade, acting for the public, might properly interfere with the pecuniary interests of the company?—If the railway company was enjoying its five per cent., or anything like it, if its original stock was at a premium, it would be too happy to make branches, unless those branches were to so great an extent as materially to affect its profit.

149. Mr.

149. Mr. *Bright.*] Is there not another security that you would have for the public, namely this, that in cases in which a great railway company did not choose to make a line, you might give power to independent parties, that is, to people living in a certain town, to get up a company, and to make a railway for themselves, as they may do now; and would it not act as an inducement to the existing company to make the line, if there was a strong disposition in the mind of the people of the town, to get up a line for themselves, if no line was made otherwise?—Yes.

150. Would that not be a circumstance that would induce existing railway companies to make new lines?—Yes.

151. *Chairman.*] It might, or might not, be for the interest of the main line that that new branch should be made; it might, by cutting off a circuit, make the traffic less remunerative to them than it was before?—It might in certain cases be so.

152. In those cases, it would be to the interest of the existing company not to give every possible facility to the new line at the point of junction where it came into the old line?—Yes.

153. That is an ordinary case?—Yes; that is a portion of the control that would require to be reserved.

154. I understand you to point to a territorial arrangement by which, take for example the Brighton Railway Company, they would have a certain territorial district assigned to them?—Yes.

155. Supposing within that district certain persons, who now come by a circuitous line to London over the Brighton Railway, thought that by making a new branch they could have a shorter line to London by means of some other railway, how would you maintain the monopoly guaranteed to the Brighton Railway Company within that territory, and at the same time furnish to those people the means of accomplishing their reasonable wish of getting to London by the shortest and cheapest route?—I think that, on sufficient cause shown, there should be power given to the Board of Trade to compel the Brighton Railway Company to make the line required for the public accommodation. I do not see any great practical difficulty in working that out: for this reason, in the different districts the principal means of railway communication are already completed, and there is no branch that the Board of Trade could force us to make that would seriously effect our dividend.

156. Would not the question be very much simplified if the main trunk lines were amalgamated with each other?—It is a question how you would divide the districts. It is probable that the south of England would embrace the South Western, the South Eastern, and the Brighton Railways. If you determine on a general amalgamation, and carry it all round the compass, you get rid of that difficulty; but then you encounter the difficulty of having a system of management of the railways of this country which would not be adapted to the wants of the public.

157. You think, therefore, that there is a limit to the advantages of combination?—Yes, at present you have five or six systems in England of railway management, with all the advantages that you can have under a system of private enterprise; if you were to unite those systems into one, you would change the system of private enterprise into a system of official management.

158. What would be the stimulus to private enterprise if the dividend at which the revision was to come into operation were attained, or nearly attained?—The revision would apply to a period of years; you would give the company something like seven years, during which they might work up to a larger dividend.

159. But when the company was close upon that dividend, would there, upon the principle of private enterprise, be any great stimulus to the company to increase the facilities to the public?—Just for a year before the revision, there might be a little caution in the company in giving facilities, but when there were several unexpired years, the company would endeavour to get as large a dividend as they could during those years.

160. Mr. *Bright.*] Have you not found, in your experience, that railway companies are as accessible to the influence of public opinion as most other bodies, and more than some bodies?—There is no doubt that they are very accessible to the influence of public opinion.

161. Have you not found that the railway press, which is not always very

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scrupulous, and the suspicions of shareholders, which are apt to be stirred up by meddling and active persons, compel the directors of railway companies to do a great many things for the public which they might otherwise leave undone?—Yes, there is no doubt that public opinion acts very strongly upon Boards of Directors; they will always try to obtain the largest amount of approbation that they can obtain; they would always prefer being popular rather than unpopular.

162. Have you ever happened to get into one of your carriages with some one who has complained of what has been left undone, or has been done, and has that led to the thing being remedied?—No doubt we frequently hear complaints.

163. Mr. *Labouchere.*] Hitherto the direction of railways has been, generally speaking, in the hands of persons of known standing and respectability in the mercantile world?—Yes.

164. Is it not becoming less and less an object of ambition with persons of that description to become directors of railway companies, the duties being generally very onerous, and the objects to be attained not being of any great importance?—I do not think hitherto there has been any difficulty felt in getting persons of proper standing to take those positions; for instance, when Mr. Glyn resigned the other day, General Anson succeeded him; but I think the tendency may be in that direction, because there is no doubt that railway directors incur a great degree of responsibility, and attacks are made upon them when there are accidents upon the railways, and all that may produce the effect of deterring persons of known position from becoming directors.

165. Mr. *E. Denison.*] Would that exist under the plan suggested by yourself of a monopoly of the districts?—I think you would be likely to command a higher class of directors in that case.

166. Why?—If their interests are more identified with those of the public, the responsibility is in some measure shared by the Board of Trade, and if the Board of Trade had that control the directors would not be so obnoxious to those attacks as they are now; and directors would have some support against their own shareholders, which I look upon as a point of considerable importance, because the public interests now require in a great many cases an outlay of money in improving the lines, and in providing the best accommodation with a view to safety; that is exceedingly unpopular with shareholders; one of the most difficult duties we have to perform is facing our shareholders when we recommend a further outlay for such purposes.

167. Mr. *Labouchere.*] Do you attach importance, with a view to the proper working of the railway system, that there should be no discouragement given to men of the highest position taking a part in the direction?—There is no doubt that that is very important; I believe the best system of management of railways, and one which will be ultimately resorted to, will be having a managing director who is paid for his work, and who is responsible, he being controlled by a board of gentlemen of high commercial standing.

168. I believe that lately some railways have been projected upon an entirely new principle, a principle analogous to that of the turnpike roads; the railway being made, in the district through which it is to pass, on the security of the rates?—There was one projected on that principle in Kent, but it came to nothing, for the districts would not agree to a rate-in-aid; and there is one in extension of the Cork and Bandon Railway.

169. You say that the districts would not agree to a rate-in-aid; was it not the case that by far the greater number of the parishes through which the railway was to pass were very anxious for it to succeed, and that a great number of landowners were also anxious for its success?—Mr. Macgregor knows more of that scheme than I do, but my impression is, that the scheme broke down because they could not get the parishes to vote a rate-in-aid.

170. In Ireland, also, there is a new railway projected upon that principle?—Yes.

171. Do you think that that principle is to be discouraged, if a district shows a disposition to make a railway as a high road?—No; I think it is a good proposition; but I would give the existing company the power of finding capital to make it, which they would do if they had the guarantee that I speak of.

172. *Chairman.*] What you propose to attain for railway companies is protection from future competition?—Yes.

173. Having attained that, you are willing to give to the public, first, prospectively,

spectively, a continuous and efficient audit of accounts; secondly, a revision of the tariff as soon as a reasonable dividend has been attained by the company; thirdly, such powers of regulation as would be necessary for insuring the most convenient arrangements for the public throughout the district, and also certain powers for securing the making of the new branches and extensions which the public service might require; but, forgetting for the moment how that protection is to be given to the companies, though that no doubt is at the root of the whole matter to be considered hereafter, would not other objects be attained in this manner: if the rate of dividend upon the capital was such as to keep the old shares of the company at a premium, they would have a considerable interest in being permitted by Parliament to increase their capital, and therefore to make new branch lines, that would always be their policy in such a case if Parliament would sanction it; in all cases where there was a consent on the part of the landowners, and where therefore no compulsory powers for taking land were required, would it not be possible for a provisional order to issue from the Government department, and for that provisional order to be included in an Act of Parliament, in the same way as the Enclosure Commissioners now bring in an Act of Parliament for enclosures, so as to sanction branches which landowners and companies were willing to make by a general provision instead of by private Acts, and would not that be an advantage to the company?—Supposing that fundamental point of protection established, of course it will be a benefit to the railway company and everybody else to diminish the expense of constructing branches, which would beg reatly diminished if you could construct them without the necessity of going to Parliament.

174. Would it not be possible, if the existing company declined to make the branch, to authorise persons interested in the district to make the branch, and to secure that such regulations should be made upon the trunk line as would enable that branch to be carried on with efficiency and success?—Yes; but if you could fulfil that condition that I mentioned, of the stock of the original company being at a premium, I should not apprehend any practical difficulty in getting all those branches constructed by the original company.

175. There would be no doubt of the stock of the company being at a premium, in all cases where the fair earnings of the company were above the market rate of interest?—No.

176. Would there be any difficulty in making such arrangements at the time of closing the capital account of the company, as would entitle them, when they raised new capital to meet the public requirements of the district, to take up that capital at a fair rate of interest; of course giving to the company also, as much inducement to make any branch lines as the state of traffic in the neighbourhood would fairly call for?—No; if, by giving the lines protection, in the course of a few years you increase the traffic, and that rises to a point by which they would be paying a rate of interest above the market rate, and the stock would be at a premium, I do not think there would be the least difficulty in making amicable arrangements for the construction of as many branches as were wanted in the district.

177. All those arrangements would require that very considerable powers should be vested in some body or other?—Yes.

178. Are you willing to surrender the power which it would be necessary for that body to possess?—As an individual, and I think I speak the opinion of a great many persons interested in railways, I am quite prepared to surrender that power if we get a distinct equivalent in the way of protection.

179. Will you now apply yourself to the mode in which the power ought to be exercised, viz., to the office, or the department or system by which that controlling power should be exercised?—I think the main requisite in the exercise of that power is, that it should be by some public department like the Board of Trade, and that it should not be by some commissioner specially appointed only for railway purposes. I think that the railway interests would all feel, in the case of a Cabinet Minister, like the President of the Board of Trade, whose importance does not depend upon constant intermeddling in little matters with railway companies, that he would not intermeddle without some good and sufficient cause on the part of the public, and we should not be much afraid of that; but we should be afraid of that power being exercised by an officer or commissioner specially appointed for that purpose, and who was therefore under

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an inducement to be constantly doing something in the way of intermeddling, in order to show that he was earning his salary, and was of some importance.

180. Supposing this course was pursued: supposing a complaint to be made against a railway company, and that the parties complaining made a deposit for the expense of the inquiry, and the Board of Trade were to appoint a person, *pro hâc vice*, to institute such inquiry, that person not being an *employé* of the Government, but being perhaps the most eminent person connected with military engineering, or civil engineering, that could be obtained for such a purpose, would the assistance of such a person as that be likely to be acceptable both to the public and to the company?—I should doubt the award of such a person being generally acceptable to the railway interest. There would be no objection to the Board of Trade appointing such a person as that to advise and assist them in the decision, but the decision should be by the Board of Trade itself, and not by any officer.

181. Is not the practical consequence of giving a power of this kind to a public department, that the gentlemen who act in that department, being in this case military engineers, are considered by the railway companies as the parties who really guide the Board in their decision, and therefore that establishes a perpetual antagonism between those gentlemen and the companies, which would be likely to be productive of most serious practical inconvenience?—I should contemplate the interference taking place only in large and important matters, and then I think it would rest with the Board of Trade, and not with the officers of the Board.

182. Mr. *Labouchere.*] Does not that system of control of which you speak suppose, after all, an inquiry frequently into matters of great detail with the railway companies?—If you are to carry the control into matters of detail, I think you will find it essential to establish something like a Railway Board, composed of men practically conversant with railway management. You would have to take men, if you could get them, like Mr. Robert Stephenson, or Mr. Saunders, or Captain Huish, or Captain Laws, and take them out of the railway world, and make judges of them. If it is left to the Board of Trade, as I should prefer, I should contemplate the Board of Trade only interfering in large and important matters.

183. But in order to arrive at a correct conclusion in questions of magnitude and importance, is it not frequently necessary that the President of the Board of Trade, or those who are his advisers, should go very much into the detailed management of the railway company?—Yes; but the railway company would have an opportunity, before any decision was come to, of being heard before the Select Committee.

184. It would be scarcely possible for the President of the Board of Trade, occupied as he is, to go into all those minor details?—No.

185. He must therefore take the advice of some other persons, whether they are called commissioners or officers of the Board of Trade or not?—Yes, to some extent; but in the case of a dispute with a railway company, as the Board of Trade has a President and a Vice-president, that of course gives an opportunity for one or other of them hearing the parties.

186. Does not the control or interference that you propose to vest with the Board of Trade, after all, depend more upon matters of detail than upon any great question of principle?—No; I think you would find it most judicious practically to confine that interference to questions which involve principles; if you go into the question of what number of trains shall run, or any question of that kind, you take the responsibility of the management of the railway off the company.

187. I am not referring to the question of the management of railways, which every body agrees must be left to the directors of the company, and cannot be safely interfered with; but as it regards the control which you propose, would it not necessarily oblige the Board of Trade, if the control is to be efficient, and not to be merely a screen for the company, either through the President or Vice-president, or their advisers, to go very much into the detailed concerns of railway companies?—In some of those cases no doubt it would be like an arbitration, if it were a question of the division of territory or the division of traffic.

188. *Chairman.*] Would it not be much more likely that the arbitration would be satisfactory if the arbitrator were appointed *pro hâc vice*, and were not a permanent

a permanent officer such as you describe, to whom the company might impute that he was doing something to show that he earned his salary?—Yes, it would be better to appoint one *pro hâc vice*.

189. Mr. *E. Denison.*] Why should not the matter be referred to the arbitration of two persons, one on each side, and an umpire?—That might be done.

190. *Chairman.*] The only difficulty would be the additional delay and expense, which would render that machinery less easy to be resorted to, if the persons complaining were not very wealthy?—I should hardly contemplate that interference being exercised, unless in cases of sufficient importance to justify it.

191. Supposing the country to be mapped out between different railway companies, and the public said that such a company so arranged their trains as to prevent easy communication with the territory of their neighbour, in order to prevent the possibility of their ceasing to go by a circuit by their line, and going by a more direct line; in such a case, would not the questions that would arise for arbitration, though they would be very important questions, be very minute: one question would be the time of arrival at a particular station of the Brighton trains, for instance?—Yes.

192. Then, would it not be necessary in such a scheme, having in view the objects which are important, to provide a machinery which should be capable of dealing with subjects which are very minute?—Yes; but these questions would arise almost exclusively at the points where the two systems came in contact; within their own districts I think you might trust the self-interest of the companies to provide the best accommodation in order to get the largest amount of traffic.

193. The wider the amalgamations the less would be the difficulty?—Yes; and at the point of junction between two systems, no doubt it would resolve itself, as all these cases have done, into a division of traffic; the traffic must be divided, and there would be no longer any motive to obstruct its going freely. You may lay it down in all cases, that where two railway communications get to the same point, it must end in a division of traffic between the two, and the only point that you can refer to arbitration is the per-centage into which the traffic should be divided.

194. Mr. *Labouchere.*] With regard to the different rates to be charged on the carriage of goods on different parts of the same railway, if a monopoly of a particular district were given to a railway company, would you propose to give to any Government department any control in that respect?—I think that you will get the best result to the public, by leaving it to the interest of companies to make the best arrangements they can.

195. You are aware that great complaints have been made against some companies on that subject, as to charging different rates on different portions of their line?—Yes; but I think the balance of public advantage will be found to be in favour of leaving that latitude to railway companies, subject to the maximum imposed upon them by their Act.

196. You think that there should be no power of interfering with railway companies in a particular district, in the arrangement of the tolls upon the traffic of goods that they may think best?—No; I think it is decidedly advantageous for the public that a company, within the limits of their Parliamentary maximum, should have the perfect liberty of arranging their tolls as they like.

197. You think that they should be prohibited from charging different rates to different persons?—As the law stands at present, they are prohibited from showing partiality by making different charges to different parties under precisely the same circumstances. You do not require any further regulation upon that subject, because that is already provided for; and the Board of Trade has the power of prosecuting any parties who charge different rates.

198. It has been asserted that the spirit of that enactment has been frequently violated?—I am not aware of it.

199. *Chairman.*] If you sanctioned the principle of arbitration of which you have spoken, would you see any good reason why it should be inapplicable to this case of alleged grievance?—I hardly know sufficient of the northern lines to speak with respect to them; but in so far as the railways in the south, with which I am most conversant, are concerned, there would be no objection to it, provided we were not tied up from charging particular rates on particular articles.

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200. Mr. *W. Patten.*] Take the case of a company dividing its goods traffic at the junction of the two lines, and that complaints are made that that division of traffic is made to serve one particular part of the line more than another: would you consider it fair to submit that to arbitration, among other things, or would you consider it too great an interference on the part of the Board of Trade?—I should be more afraid of the effect on the interests of the public if you were to revert to the old equal rate per mile clause; I think the result would be unfavourable to the public, and that it would rather keep up the rates generally, than lower them.

201. Would you submit the parcel question to arbitration?—That is a question rather for legislation than for arbitration.

202. Do you think that the matter is so satisfactory at the present moment that it may remain open?—There is considerable doubt what our powers are in the case of packed parcels, as they are called.

203. Would you consider that a subject which the railway companies would object to refer to arbitration?—I think that is rather a question for legislation; you might settle that by legislation with railway companies as part of the general settlement. If you think that there should be an unlimited power of packing parcels you might say so, and let that be one of the concessions taken from the railway companies.

204. At the point at which the districts to which you refer meet, there must arise a question as to the traffic; I will take the instance of the goods traffic; how would you deal with that?—There you might have an arbitration, if it was a question between two railway companies of the rates at which goods should be forwarded from one line on to another.

205. You consider that arbitration is a fair way of dealing with that?—Yes.

206. *Chairman.*] In reference to arbitration, what do you say of clauses giving a company the power of running over the line of another company; what are commonly called running clauses?—In 99 cases out of 100 that is positively unsafe.

207. Supposing we were to adopt your view, and to object to running powers, and also to sanction the principle of extended amalgamation, would not those two things taken together go a long way towards giving to existing railway companies the protection that we have spoken of as necessary to the scheme we are considering?—I can hardly say that it would go a very long way, for I think that running clauses are so dangerous and objectionable in practice, that in the first place it is not likely that they would be often conceded, and if they were conceded, it would simply resolve itself into a question of arrangement between the two companies; the company which had running powers over the other line would be in a position to extort larger terms from the other company in consequence of possessing those powers.

208. Do you believe that the prohibition by Parliament of running clauses would be considered by the first established railway companies as a very great boon to them, and by other companies as a very great injury to them; are there not some companies that very much wish to have running powers over portions of the lines of other companies, and is it not a very anxious question in the present state of railway property?—No doubt. There may be instances where certain companies, who could only obtain a fourth of the traffic without running clauses, would, if they had running clauses, be in a position to stipulate for half the traffic.

209. Would it not be a great protection to the railway companies that Parliament should declare against them?—Yes; but I should rely very strongly upon your being obliged to do so upon the ground of safety. The evidence against such running powers being granted would be overwhelming.

210. You think that Parliament is so bound by considerations of public safety to declare against running powers, that you will not allow them to be an item in the balance sheet?—It is one item, but not a very large one. The evidence against such running powers being granted by men connected with the management of railways, would be practically overwhelming.

211. Speaking of the effect of arrangements for a general amalgamation sanctioned by Parliament, you have referred to the time of Lord Dalhousie, and the want of success which attended those proposals, because they broke down in Parliament; was it not the fact that at that time some of the companies were dividing as much as 10 per cent?—Yes.

212. Does not that circumstance constitute in itself a very good reason why there should be a general disposition in established railway companies to break such an arrangement, which could not apply now if the limit were fixed, as you propose to fix it, at somewhere about 5 per cent.?—Constituted as Committees of this House on Private Bills are, I confess I should never attach much importance to a mere Report emanating from a Select Committee laying down correct principles. My experience of those Committees has always been, perhaps from the position in which they are placed, that they bring in their verdict upon the evidence actually before them, without looking very much to general principles.

213. Would not the difference between 10 per cent. and 5 per cent. make an enormous difference in the current which was running in favour of creating new competing companies?—Of course it would. You have more difficulty at the present time to get an advance of money from the public to form new companies.

214. Therefore an arrangement, if made with the consent of Parliament, would be more easily maintained by the public now than it was then; there would be less opposition to it?—Without some distinct protection being given, I am afraid that if a new competing company got its capital, and brought its line before Parliament, it would be sanctioned. A competing line has always an advantage before a Committee. You bring forward a great number of witnesses altogether independent of railway interest, and prove certain grievances against the existing company, and the necessity there is for a railway in the district; and all the railway company can do against that is to bring forward their own witnesses to speak to general principles, and whose evidence is regarded as prejudiced, from the feeling there is that they are appealing to general principles in defence of their own interests.

215. Would not such an arrangement as you have suggested tend to establish a community of interest between Parliament and the railway companies, and thereby to indispose Parliament to favour any new lines competing with them?—The community of interest would only be in the revision of the tariff; but the new company that comes forward will probably offer to carry the public as low, or lower, than they will be carried under the revised tariff.

216. Then am I to understand you to say, that unless Parliament will go the whole length of pledging its faith to existing companies, rendering it thereby a breach of faith hereafter to sanction a new hostile line in a certain district, you would feel no security that would induce you willingly to part with any power or control that you now possess?—I do not think you would arrive at any general settlement without that; there might be particular cases of railway companies to which amalgamation was a great object, that might be ready to give an equivalent for the possession of that amalgamation; but, as a general thing, I think nine-tenths of the railway companies would rather abandon their amalgamations, unless they had a secure and distinct protection.

217. Then we understand the question, according to your view, to be neither more nor less than this: shall we or shall we not pledge our faith once for all to the existing companies, giving each that district of country in which it happens to be established?—I really believe it to be so; you would find on the part of the railway interest a disposition to give you a fair equivalent for such a concession, but for anything short of that I think the great majority of the railway companies would not be willing to give a high price.

218. Mr. *Labouchere*.] Do you think that the settlement should be for ever, or might it not be for a term of years, and would not that be a more prudent principle to adopt?—If it were for a long term, of something like 20 years, it might be sufficient.

219. Colonel *Mure*.] You did not touch upon the subject of railway companies abandoning lines; would you give them power to abandon railways at their discretion, or would you give that power to the Board of Trade?—Certainly it should be subject to the control of the Board of Trade; if a company agreed with the Board of Trade to make the branch, there should be a power in the Board of Trade to suspend their dividend till that branch was made.

220. I am supposing the branch to be made, and that after they have made it they find no necessity for this branch, and therefore abandon it?—I am hardly aware of an instance of a branch abandoned in that way.

221. You would put the company under a restriction with regard to abandoning

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doning lines; it should not be in their power, at their own discretion, to abandon a line?—If it was a new railway, made under an arrangement with the Board of Trade, the company should not be at liberty to abandon it without the consent of the Board of Trade.

222. If it were a railway existing before the arrangement that you propose, of district monopolies granted to companies, would you give power to abandon branches?—Where the powers are now lapsed, I think you should not call upon the companies to make them. The railway companies took power, during the period of speculation in 1845, to make a great extent of branches which it would be obviously ruinous to them now to make; I think you should not compel them, as a condition of the arrangement, to make those branches.

223. I am assuming the railways to be made?—Where they are already made it would be reasonable to stipulate for their being maintained and worked.

224. Mr. *M. Milnes.*] Would there not be considerable difficulty in mapping out those districts among the existing railway companies, so as to satisfy the claims of those several companies?—There would be a difficulty, but the thing would not be at all impracticable.

225. Would you propose that those districts should include the whole country now occupied by those companies, with their branch lines, and the intermediate district, and also include other portions of the country at present not occupied by lines?—Yes; that would be the case with many of the districts; there are no districts now which are not provided with trunk lines of commnication.

226. Would the form of those districts be longitudinal sections, with lines branching from the main trunk?—Take the instance of the southern district. I should think the district at present supplied with railway accommodation by the South Eastern, Brighton, and South Western Railway Companies would work very well, and with great public advantage, as one system; the only difficulty about that would be to draw the line between the South Western and the Great Western.

227. Take the case of the London and North Western Railway Company and the Great Western Railway Company, would there not be great difficulty in drawing the line there?—There would be great difficulty, but it is a difficulty that might be solved by the Board of Trade, or by arbitration.

228. Would it be feasible to declare that portions of the intermediate country should fall to the one company, and other portions to the other company?—Yes. You might draw a line on the map, and say on one side it should be entirely applicable to one system, and on the other side to the other system; and at the point where the two lines came into contact, the traffic should be divided in some manner to be settled by arbitration.

229. How would you propose to manage, in case a portion of the district desired to amalgamate with the other district?—My view would be to confine the amalgamations to certain large districts, and not to extend them so widely as to embrace the whole country; but that is a question of policy, whether you would extend the districts so widely as to form one great company for the whole kingdom, or whether you would have several companies.

230. You would then, to a certain extent, limit the power of amalgamation?—Yes, with our present experience. I would not go any further than that; our future experience might result in carrying it further, but I do not think it would be prudent at present to carry it further.

231. Are there not amalgamations which are desired between separate companies which, under that system, would occupy separate districts, and therefore the division of the country into districts would amount to a prohibition of many important amalgamations now desired?—No; I think the amalgamations now before Parliament are not of that character; an amalgamation was talked of between the Great Western Railway Company and the London and North Western Railway Company, but it was only talk.

232. *Chairman.*] You have said, in the early part of your examination, that railway accounts are now pretty generally understood?—Yes.

233. That being so, the value of particular railway stock is tolerably well ascertained?—Yes.

234. Then there would be less financial difficulty in effecting a just amalgamation than there would have been at any former period?—Yes, much less difficulty.

235. Would the difficulty be very great in a financial point of view?—I think our accounts have been so well understood for some time past, that the market value of the stock indicates pretty well in the great majority of cases what the real value is.

236. If the view you have expressed should be the view taken by Parliament, and the policy of amalgamations were adopted, it would be possible to write up the stocks of all companies?—Yes, if you were to amalgamate us all on the basis of the average market price for the last few weeks or months, there would be no great injustice done; it would be a tolerably good approximation to justice.

237. You have said that where combination was possible, competition was impossible; is that, in your opinion, the state in which the railway system is now, that combination is possible, and therefore, as a result, competition is impossible?—There cannot be a doubt of it.

238. There are some cases where the principle of rivalry is very clearly acted upon; can you point out to the Committee any probability of that rivalry ceasing, and its resolving itself into combination?—A rivalry exists, because the game is not yet played out; if the Great Western Railway Company succeed in getting to Birkenhead or to Manchester, I have no doubt that in six months you will have a division of the traffic between them and the North Western Railway Company.

239. And then amalgamation will be accomplished, though Parliament may have set their faces against it?—Yes.

240. Is it then your opinion that the present is a time when Parliament may, with great advantage to the public, deal with the question of amalgamations?—Yes; of that division of traffic there are many cases. I will give one in my own district. There are two lines sanctioned to Hastings, one by the Brighton Railway Company, and the other by the South Eastern Railway Company; the South Eastern Railway Company's line had not been opened six weeks before we divided the traffic, and the result is, that Hastings is in a much worse position than it would have been if it had had only one line of railway, because at a place like Brighton, where it is altogether our own, we do all that is possible to develope the traffic, but naturally we do not make those exertions at Hastings, where we get only 10*s.* in the pound; and Hastings is suffering very much from it, and I do not know any remedy for that, but the amalgamation of the South Eastern and Brighton Railway Companies.

241. The Committee desire me to ask you whether the evidence which you have given so clearly could not be exhibited still more clearly in the shape of clauses and arrangements; if you should have any objection to draw them out on paper and lay them before the Committee?—Not the least, if I understand the question to apply to the heads of arrangement; drawing up clauses to carry out my views would be difficult, and require a good deal of care.

Vide Appendix, No. 1, p. 158.

242. Mr. *Bright.*] Is it not the fact that your opinions, and especially those which you expressed in your first answers, have been formed very much upon the blunders which you think were committed when railways first began to be made in this country; you express the opinion that a great deal of money might have been saved, and a far better system established?—Yes; but I do not see how those blunders can be avoided for the future, unless by laying down at the outset some general principles to be acted upon.

243. But not having laid down those principles at the outset, but being where we are, in the midst of strange confusion, will you tell us how things will go provided this Committee shuts up, and nothing really is done more than has been done; will greater evils arise from taking that course than from taking the course which is meditated by the appointment of this Committee?—If you do nothing, I suppose it will end in the continuance of the fight in some districts between the North Western Railway Company and the Great Western Railway Company, for perhaps two or three Sessions, untilthe game is played out; and then will follow a combination, and a division of the traffic.

244. Then, without any Act of Parliament, or any new principle being laid down, an arrangement will be made which will be tantamount to amalgamations, in such districts and between such parties as will be most advantageous to the Companies themselves?—Yes; there will be a certain loss incurred by further expenditure for two or three Sessions, but the great danger that the railway interest would have to apprehend for the future would be, that supposing there were a time when money was very abundant, and when all materials fell in price

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price very greatly, the public might be disposed to subscribe towards new railway schemes in this country; and you have always one party, I mean the great contractors, interested in getting up new competing lines, wherever they can do so. Under those circumstances, we might have a repetition of the state of things that occurred in 1845, and a new line to Manchester launched with the profession that it would cost 20,000*l.* a mile; and though I do not believe that that would be accomplished, yet I feel that it is probable that they might persuade the Committee to believe that it might be done.

245. You do not understand this Committee to be appointed with the sole object of guaranteeing the railway companies and shareholders from opposition?—No; except so far as their interests may be identical with the interests of the public.

246. Taking that particular line which you mentioned, is it not the fact that the railway between Manchester and London has so much traffic upon it, and there are so many branch lines connected with it, that the absence of accidents or the certainty of punctuality in the arrival of trains is almost impossible?—That is true to a certain extent.

247. You know the Great Northern Railway, which runs from London to York with very few junctions, 30 or 40 miles at a stretch; and the trains on that line arrive with a punctuality that no other northern line can at all pretend to?—It may be so.

248. But on the North Western line, which is burthened with traffic, you have trains every few minutes in the course of the day, and at the junction with the main line you have to wait for the branch trains, and great dissatisfaction arises; do you think it would be an advantageous thing for the public to guarantee to this company the absolute possession of that territory, so that the Direct Manchester and London scheme could never be revived?—The great thing the public want upon that line is, that the company should be in a position to lay out a great deal more capital upon it. It would be very desirable that that, as well as most of the metropolitan lines, should have four lines of railway for a great distance out of London; that they cannot get now, because they are not in a position to spend more money; the shareholders would not submit to it; their cry is to close their capital account, and what the public require is to have more capital spent upon the line.

249. It would be desirable to do that by a further expenditure of capital, and the creation of further stock?—Yes; but without some better security for the future than is now possessed, very few lines are in a position to make any further outlay.

250. *Chairman.*] Looking to the expense of stations, particularly terminal stations, it would be more economical to lay down four lines on the existing line than to construct a new line?—Yes; the great expense is the terminal stations, and getting to London; and that is the great security that we have against new competing lines.

251. Have you any doubt that, if the arrangement that you propose were carried into effect, the stock of the existing railway companies would bear a much higher price in the market than it does now?—I have no doubt it would. I should include in the power which the Board of Trade is to have, not only the power of compelling companies to make branches, but of laying out the requisite capital in improving existing lines, in order to accommodate the traffic.

252. Mr. *M. Milnes.*] May we not justly anticipate within a period of 20 years so considerable a change in the improved mechanism of railroads that we may at least suppose that lines not only will be constructed cheaper than they are now, but will be conducted so very much cheaper, that it may be possible to have direct lines from different parts of the kingdom to the metropolis which shall answer very well, and pay a good per-centage, without the necessity of constructing any branch lines whatever?—I do not see at present any prospect of the expenses of working railways materially diminishing; on the contrary, during the last two or three years, they have increased very largely on all the railways.

253. Mr. *Bright.*] Do not you think that it is the opinion of some eminent men connected with railways, that in a few years, on some of the main lines, we shall be compelled to have lines only for passenger traffic?—That is quite true; four lines instead of two.

254. When you suggest that four lines, instead of two, should be laid down on the North Western Railway, under the control of the Board of Trade, does it not appear to you that you are involving railway capital to an extent very unusual in this country, and at the same time asking the Board of Trade to do that which it could never do to the satisfaction of anybody?—Yes; it is a choice of difficulties, no doubt. If you do nothing, what is to be the result? You may wait an indefinite period before you get an independent line from London to Manchester.

255. Mr. *Labouchere.*] And yet you strongly object to strengthen the Board of Trade by the appointment of commissioners, or who may not be called commissioners, but may be persons of experience to assist the Board of Trade?—I do not think I objected to giving the Board of Trade an establishment of as many officers and assistants as they like; but what I say is, that the ultimate decision should be with the Board of Trade.

256. Mr. *Bright.*] You recollect perfectly well, I presume, the time when the old Railway Commission existed?—Yes.

257. Were you at the Board of Trade then?—There have been two Railway Commissions; there was one of Lord Dalhousie, who reported upon a vast mass of new schemes in 1845.

258. There was a Railway Commission which became very unpopular with railway companies, and which was at last abolished?—Yes.

259. Do not you know that that Commission kept up an ignominious fight with the railway companies, and was at last completely routed?—I do not know that it was an ignominious fight; but the railway companies have got on better with the Board of Trade than they did with the Commissioners.

260. Mr. *Labouchere.*] The Commission was entirely separated from the Board of Trade?—Yes; Mr. Strutt and Sir Edward Ryan were the Commissioners.

261. Should you have the same objection to Commissioners of whom the President of the Board of Trade was at the head?—No; I say that the decision should mainly rest with the President of the Board of Trade. We should feel, then, that he would not interfere but upon grave questions.

262. Mr. *Bright.*] Supposing we cannot agree to do anything, and the railway system is to go on very much as it likes, are we to expect anything more than we may anticipate from the arrangement you recommend; I wish you, looking to what is doing now, to tell the Committee what will go on if nothing is done in the shape of laying down great principles; will the different districts of the country get their lines, and will the amalgamations of the companies be made, or will the public be materially damaged by letting the thing alone?—As regards companies getting the amalgamations, that will depend upon Parliament; if this Committee separate without making any recommendation, then each amalgamation will go upon its own merits before the Select Committee, and some will be granted, and some will not.

263. But you said that companies could make working arrangements without the consent of Parliament?—Yes, you can divide traffic. Then as to the country getting the branches which it requires, in that case you would not get many branches made until the railway stock had got up to such a high premium that it was an object to create additional capital for the sake of the premium on the new shares; then you would have new branches made in some cases, but in others, where, without a regular amalgamation, you had a sort of amalgamation or arrangement between neighbouring companies, they would both be afraid to make a branch to an intermediate point, lest it should disturb the arrangement that had been come to.

264. Mr. *E. Denison.*] If things are bad now in the railway world, will not they become worse if something is not done; will not railway companies become poorer, and will not increased danger arise to the public as railway companies become poorer and less capable of affording accommodation?—I am inclined to think the increase of traffic, on the whole, will rather improve railway property than otherwise, even if you leave things as they are; there will be a period for some years to come at which our shares will be at a discount, or only at par; but the public will suffer from the reluctance of railway companies to construct fresh branches, or spend capital upon the improvement of their lines; for instance, I do not suppose you have the least chance of four lines being laid down on the Birmingham Railway, unless there is an arrangement made which will give them a security for the future for some time to come.

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265. Mr. *Bright.*] You do not seem then to point out anything very serious, if the Committee do not recommend anything?—No; there is that risk for a few years to come, while the shares are at a discount, that you will not have the outlay of capital which the public convenience requires; and then there is a risk that you might have a period such as 1845 over again, involving a very serious depreciation of railway property.

266. Taking what may be called the railway age, which is about 20 years, you show a loss of 70,000,000 *l.*, as you estimate, and a great confusion of interests; looking forward to the next 20 years, supposing that we recommend nothing, and you go on fighting your battles as you have done, do you think that anything like the mischief to the companies or the public can happen in the next 20 years as has happened in the last 20 years?—No; the worst of the mischief has been done, and cannot be remedied.

267. Therefore on the whole you would come to the opinion that it is not of overwhelming importance that the Committee should come to any strong resolutions or decided conclusions as to the establishment by Parliament of new principles of legislation?—Perhaps my views are somewhat confined to the southern district; in our southern district I do not apprehend any serious consequences; I think the railway interests there are in a very independent position, either to accept the arrangement, if you see your way to one, or to leave it alone.

268. You have stated that the railway directors are for the most part men of high standing and good intentions, and that the press is looking over you; do not you think that you can observe yourself a more rational system adopted in everything connected with railway management, which may go on pretty well for the public without much interference on the part of Parliament?—I do not think you will have the former ruinous policy repeated again; the principal loss will be to the public in the want of a certain amount of convenience. Take the south-eastern district: I do not think the South Western Railway Company or the Brighton Railway Company would suffer much, if Parliament did not let them amalgamate; on the other hand, if you do let them amalgamate, I see great convenience to the public in having access to a West-end terminus as well as to the City. One great object of the amalgamation is, that they might make an arrangement by which a train running from Brighton or Croydon could stop at the junction, and one part of the traffic go to Waterloo Bridge, and the other to London Bridge; that would be attended with considerable benefit to the public.

269. I am assuming that these are arrangements which, without any new principle being laid down by this Committee, you would be able to carry out either with a temporary degree of permanence under a voluntary arrangement, or by a special Act which you may get from this House; but supposing an Act of Parliament is not obtained, that might be done by an agreement between the companies?—No, I do not think it could, for we should have to part with our Brighton traffic at Croydon, losing 10 miles out of 50; that we could not do without a positive amalgamation.

270. But your evidence goes to show that, on the whole, the thing is not so important as some have imagined, and that railway companies with a little increase of expense will do very well, if nothing very particular is done by this Committee, and that the public will gradually obtain all the accommodation which it requires?—As regards the railways in the district with which I am best acquainted, there is nothing very urgent; we are in a position either to amalgamate, or to let it alone; the question is between a comprehensive scheme of amalgamation, and letting us alone, leaving each case to shift for itself.

271. I collect from your evidence, that you see disadvantages in the present system, but you would not recommend anything very extraordinary or very hazardous in the way of making any very considerable improvements?—I think, individually, that amalgamation and division into districts would be the best thing to do; I think it is quite certain that you must have monopoly and combination, and if you will say so, and recognise it, you may get some equivalent from the railway companies; but at the same time, if you do not see your way to that, if you prefer to trust the accommodation of the public to the possibility of competition hereafter, as far as the railways are concerned with which I am best acquainted, I do not think it makes much difference.

272. You referred to your experience of Belgium and other railways, and you said, "If we had been under the same system, our maximum rate of speed would not have been more than 20 miles an hour." Can you tell us any particulars of foreign

foreign railways which would show that our system is not without its advantage in the management and number of trains?—The system of private enterprise has had so great an advantage in it, that it has counterbalanced all the evils.

273. What are those advantages?—The number and the speed of trains; compare the English lines with those of any country on the Continent, and you will find on the average something like three times as many trains running here, and at a much higher speed; that is the main reason why we have more accidents on our lines, with the increased number of trains you increase the danger. On the Belgian lines, where they do not go much more than 15 miles an hour, including stoppages, and have only three or four trains a day, it would require some ingenuity to have an accident.

274. And the same thing exists in Ireland?—Yes. And you find that in France, Germany, and America, as the number of trains is increasing; in fact, as they are approaching our system, accidents are increasing very rapidly.

275. Mr. *E. Denison*] You have been asked whether, if this Committee does nothing, great inconvenience will arise, but this Committee must in fact do something; it must be either in favour of amalgamation, or against it, otherwise every separate Bill for an amalgamation will go to a Select Committee; and one Select Committee will have the power of permitting amalgamation; and another Select Committee will have the power of refusing amalgamation, and unless some direction is given to the Committees, it will be in the power of each separate Committee to come to a conclusion for itself upon the matter before it; is not that so?—Yes, that would be so.

276. Then do not you think it important that something like a uniform rule should be laid down, and that some conclusion should be arrived at either in favour of or against the principle of amalgamation by this Committee?—It is desirable to secure uniformity if you can.

277. *Chairman.*] You have been asked whether the advantages of competition in England have not been greater than the advantages of regulation on the Continent, and you have answered, that upon the whole perhaps they may be; but you have told us also, have you not, that you foresee that at no distant day competition in England will come to an end, and the game will be played out?—I think my answer is not quite understood. I did not speak of the advantage of competition, but of the advantage of private enterprise. In France, you have a system of private enterprise, but you have no competition.

278. The stimulus of private enterprise is competition?—Not necessarily competition; it is making the largest profit you can out of your district.

279. At all events, you foresee that at some period competition in this country will come to an end, and that combination will be general?—Yes.

280. You have been asked whether any evil would arise if this Committee separated without coming to any conclusion; but is it not your opinion that if the Committee came to a judicious conclusion they might do all these things, viz., secure the public against some at least of the evils of unlimited combination, and give encouragement to companies to lay out capital for the purpose for which it is required, and at the same time increase the value of railway stock?—Yes. I have said that if you adopt that system of districts, and give protection within them, my individual opinion is that it would do good on the whole; but of course it is a choice of difficulties.

281. The plan of dividing districts, and giving them over into the possession of existing railway companies, is the particular plan suggested by you, but whether that particular plan be adopted or not, at all events you think all the evils of combination will, in a few years, be felt by the public?—There is no doubt you will have combination; I should say that you will have no such thing as competition in five years' time.

282. Therefore, if the public is to be protected from combination, now is the time for Parliament to interpose?—Yes; the evil consequences of unrecognised combination are, that there are certain points at which you do not afford the same accommodation as they would otherwise enjoy, as in the instance I spoke of at Hastings; if they had one railway instead of two, Hastings would have more accommodation.

283. Mr. *Bright.*] There are two sorts of competition that a railway company fears; the one is the competition of another railway company, and the other is the fear that a line may be made by entirely new parties; any arrangement, or any ordinary amalgamation, leaving to the present proprietors the right to make the

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new line, still leaves the company open to the dread of competition; but you would shut that out altogether?—I would shut that out, and get a larger equivalent from the railway companies; if you do not do that, all you give by permitting partial amalgamations is so small, that I do not think that the railway companies would be willing to give anything in the shape of an equivalent.

284. Colonel *Mure.*] You said, in the early part of your examination, that though you did not anticipate such a violent state of affairs as took place some years ago, you still thought, that unless some measure were adopted by the Committee, the railway interests might be exposed to a speculation which, though not so violent, would be exceedingly injurious?—Yes; there is always danger, from the fact of some railway contractors being men of such immense resources that they can almost make a railway themselves.

285. Do not you think that, on that ground alone, some special legislation is required now, without reference to other matters?—That danger is not very immediate, because at present there is no disposition on the part of the public to subscribe to new railway schemes; even some months ago, when money was so very abundant, there was hardly any money subscribed by the public to any of those new undertakings; and now the advance in the rate of interest by the Bank makes the railroad interest safe for the present.

286. But the fact that there is no such apparent danger at this moment, as you said before, is a good reason for taking steps to prevent the danger arising hereafter; if we were to wait for that danger arising, would not that be rather an injudicious moment for legislation?—Yes; I think security against that prospective danger makes it worth while for railway companies to concede all you ask in return for that protection.

287. And it makes it worth the while of this Committee to consider the expediency of separating the districts?—Yes. If the Committee think it desirable to give that protection in return for the equivalents, this is a favourable time.

288. Mr. *E. Denison.*] Supposing an amalgamation or agreement between the North Western and Great Western and Midland Railway Companies, as far as your experience goes, do you see room for a new railway, arising out of a spirit of competition, in that district?—Then the competition would only remain with the Great Northern Railway. You might have a line from Liverpool and Manchester, towards Bedford, or some point on the Great Northern line, that might produce competition.

289. Colonel *Mure.*] In the observations you have made upon the foreign systems of railways, did you not observe any part of their mode of management by which we might profit in this country, although there are many parts of their management which are defective, as compared with ours?—The only advantage which they have is, that from their lines being constructed at a lower cost they are able to carry at lower tariffs in some cases; in all other respects, I think, our railways have the advantage. We afford greater accommodation to the public.

290. *Chairman.*] You have confined yourself hitherto to this plan of dividing the country, and making it over absolutely to the different railway companies, do you adhere positively to the opinion that there is no other course which Parliament could adopt which would accomplish the general end of making a practicable and wise arrangement between the railway companies on the one side, and the public on the other?—I do not see my way to any other at present. I do not think there is any other that the railway interest would be likely to accept, as far as I know of their feeling.

291. Mr. *Bright.*] But you admit that that is open to very serious objection?—That is a very large question. As regards the railways, I do not think there is much question that they would be willing to concede a very large equivalent for that protection, but it is a very large question on the other side.

292. Mr. *E. Denison.*] Do not you think the railway world would view the matter in a light so different at present from that in which they viewed it a few years ago, that they would act with the Board of Trade in a totally different spirit?—Yes, I do not think you would have much difficulty in the practical working of the thing; if you had laid down as the basis the recognition of this principle, you could easily settle the details by negotiation between the railway interests and the Board of Trade; the great question is, what is the principle that is to be the basis.

Veneris, 18° *die Februarii*, 1853.

MEMBERS PRESENT.

Mr. Cardwell.	Mr. Strutt.
Mr. Bright.	Mr. E. Denison.
Colonel Jones.	Mr. Monckton Milnes.
Mr. Wilson Patten.	Mr. Labouchere.
Colonel Mure.	

THE RIGHT HON. EDWARD CARDWELL IN THE CHAIR.

Mr. *John Sutcliffe Pixton*, called in; and Examined.

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293. *Chairman.*] ARE you the agent at Manchester of Messrs. Kenworthy & Company, the carriers?—I am.

294. How long have you been so?—Upwards of 30 years.

295. Is the traffic of Messrs. Kenworthy & Company principally upon canals, or partly upon canals and partly upon railways, or what is the nature of it?—It is principally upon canals; to a certain extent upon railways; formerly it was entirely on canals, and then to a considerable extent upon railways as well; but being driven off all the railways with which we were formerly connected, except between Manchester and Liverpool, our only traffic now is between Manchester and Liverpool, and that is both upon canal and upon railway; we have an extensive traffic by canal.

296. You say you have been driven off; do you mean that you have been driven off the railways, or that you have been driven off the railways, and also the canals connected with those railways?—We have been driven off the railways, and by a systematic plan of bad treatment, we have been driven off the Huddersfield and Manchester Canal in particular.

297. Will you describe to the Committee the mode in which you have been driven off the Huddersfield and Manchester Canal?—From 1832, Messrs. Kenworthy & Company received every assistance from the canal company in facilitating and forwarding the traffic; but on the contrary, when the London and North Western Railway Company bought the canal, they received the opposite treatment; they received bad treatment, and every annoyance that could be brought, was brought into operation, and they were put to every inconvenience that was possible.

298. A portion of the Huddersfield and Manchester Canal, namely, the portion from Ashton to Huddersfield, having passed into the possession of the London and North Western Railway Company?—Yes.

299. Will you describe to the Committee the mode in which the end of which you speak, namely, your having been driven off, was accomplished?—When the canal came into the hands of the Railway Company, they gave Messrs. Kenworthy a notice; perhaps I could not do better, the notice being short, than read it. "That on and after the 1st of February 1850, no boat, barge, or other vessel of less burden than 15 tons, when there is a scarcity of water for the supply of the canal, or of less than 10 tons, when there is a sufficient supply of water for the canal, will be allowed to pass through any of the locks on Sir John Ramsden's, or the Huddersfield Canals, without the consent of the London and North Western Railway Company, or their canal manager for the time being, in writing first had and obtained, or unless the owner or navigator of such boat, barge, or other vessel, shall pay a tonnage equal to 10 or 15 tons respectively as aforesaid; that on and after the 1st of February, the sum of 1*s.* 6*d.* will be charged upon each boat passing through the tunnel on the summit level of the Huddersfield Canal, in addition to the charge made upon such boat for tonnage." During the whole time that we had been carrying on the canal whilst it was in the hands of the Huddersfield Canal Company, no such charges were made; but when the London and North Western Railway Company took possession of it they gave us this notice, and insisted upon making these charges, and we were obliged to pay them. We took counsel's opinion, and the opinion was, that they were illegal, but notwithstanding that, they insisted upon the

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the charge being paid; we paid altogether, a sum of upwards of 70*l.* They then gave us notice that they should charge us wharfage dues at Huddersfield, on goods landed in our own warehouses in Huddersfield; this charge was subsequently abandoned, though paid for some time. They then insisted upon our paying the tonnage dues upon each boat to the lock-keepers, at midnight, or whenever the boat might pass, to the inconvenience of our men and of their own servants, who had to get up very frequently to receive the money; then they gave us notice as regards Sir John Ramsden's Canal, that they should charge us 1½*d.* per ton per mile, and make us pay for four miles, though we went something less than one mile; they subsequently reduced that, finding it illegal, as we told them it was only 1*d.* per ton per mile, and they afterwards made it 1*d.* instead of 1½*d.* per ton per mile for the four miles; they also charged us for 10 tons as on the Huddersfield Canal, but which was also abandoned. They then instructed their agents at the various wharfs to discontinue collecting small accounts for goods and parcels left at the various wharfs, much to our inconvenience. The object of course was to drive such goods and parcels out of our hands into their own; and their agents were as much displeased as we were, as they lost their commission for doing that which was no inconvenience to them, and certainly was not detrimental to the Company whose servants they were. Then they gave us notice to quit the warehouse which we held at Huddersfield; and we were then obliged to go on Sir John Ramsden's Canal to obtain another warehouse; then it was that they adopted the charge of wharfage at the new warehouse, which, as I observed before, they afterwards abandoned; and then also it was, that although we had less than a mile to go on Sir John Ramsden's Canal, by the operation of the system they charged us for four miles at 1½*d.* per ton per mile; but that also they subsequently abandoned. They reduced the price to 1*d.* a ton, and charged upon the actual distance of one mile. This was a serious thing to us, being charged these high charges, and being charged for 10 tons when we had only one ton; and all this made it so serious a matter to us, that if it had gone on, we should have been driven off the canal much sooner than Christmas last, when we were at last driven off. Among other things, we had frequently to complain of the scarcity of water; this we considered arose mainly from their bad management. Instead of there being a full staff of men on the canal, as there had been formerly, the company discharged them, and so reduced the number that the water in the locks was not at all looked to. It would frequently happen, nobody being there, that when a boat was coming down the hill, as it is called, that is, where there are three or four, or half a dozen locks, the man would go ahead of the boats and fill the locks; and if a boat happened to come in the opposite direction, the consequence was, that two out of three would have to be let off, and the water would be wasted; that would not have been the case if there had been proper men to look after the water. Last year we were stopped something like six or seven weeks for want of water.

300. Mr. *Bright.*] In what season was that?—From the 4th of May to the 7th of June 1852; as we conceive, by bad management, the canal was closed for this time, and the loss to us was very considerable. We were compelled to send our goods by railway, for which they allowed us a cartage of 20*d.* per ton at each end, which was quite inadequate to the actual expense we were at, instead of following the same plan with us as they would have done with other railway agents, viz. allowing us a cartage and commission upon the trade. It appeared to us also, that stopping the canal, though to our loss, was to their profit, inasmuch as they got all the goods. On remonstrating with the company, one of their agents, though he denied some of the charges which we made, admitted that as regards two of the ponds or reservoirs, they were nearly choked up by the rolling in of the embankments, and he said either that the directors had authorised him to remedy that evil, or that he intended to lay it before them, and that he had no doubt he should have instructions to do it, but still the evil to us was very considerable. Then, again, in the case of the last frost, they did not allow us ice-boats, or adopt any measures to keep the canal open as the trustees of the Duke of Bridgewater do; they not only find ice-boats, but additional horses to help us on. Then they made us pay for 10 tons, though the boat might contain only 10 pounds. Having abandoned nearly all those charges from one cause or another, perhaps finding that they were in error (for I understood at the time that they took counsel's opinion as well as ourselves); they then tried, as a last measure,

measure, to buy us off, and we were negotiating with them for about six months for that purpose. First we started with this idea, that we should be paid for the stock at its working value, and which was valued accordingly, but ultimately it got reduced to next to nothing; they said that they would take only this, that, and the other, and we found ultimately that their treatment of us was such, that it was better to break off the negotiation, and that we could do as well by selling the horses and boats to anybody as to them. And it was at this time they made overtures to our agent at Huddersfield, and engaged him as their servant.

301. *Chairman.*] They took him from your service?—Yes; they knew that he had considerable influence there, and that he had advocated our cause as much as he could do under the circumstances, and I suppose they thought that if they could get him out of our hands, we should be completely annihilated. Then it was, that having to give up the warehouse, we remodelled the concern, and took another warehouse under Sir John Ramsden, and then they brought against us the additional charges I spoke of. We continued under that system till last Christmas, and, what with stoppages of water, and annoyances of one sort and another, continued from time to time, and expecting the like in future, we thought our only course was, last Christmas, to give up the concern, which we have done, and now there is no one carrying there but the company themselves, by water and by railway; they have all the traffic in their own hands.

302. There was a state of competition on the Huddersfield Canal while it remained in the hands of an independent company?—Yes, the company, as a company, did all it could to carry out any suggestions that we made to them; on many occasions they carried out those suggestions.

303. Was the canal company itself a carrying company?—It was not; it was open to competition among the carriers.

304. Mr. *Bright.*] They merely kept the road?—Yes; and the carriers carried at such prices as they could get, and I believe during that period the public were very well satisfied.

305. *Chairman.*] Did the corn trade to Wakefield pass along that canal?—It did; latterly, during the time of our disputes, the regular route for that corn trade has been through Huddersfield, and it was that that we complained of, that they adopted one system towards us, and another system towards the corn-boats; the corn-boats they allowed to go back empty without any charge for tunnel dues, that is, when passing through the Stannage Tunnel, for the canal goes through the tunnel as well as the railway; they imposed a charge upon us of 1*l.* 6*s.* per boat for going through the tunnel, but they did not do so with the corn-boats, neither did they impose the charge of 20*d.* per ton for 10 tons when the boat was empty, as they did with us.

306. Mr. *Bright.*] Were the Wakefield corn-boats the boats of private carriers?—Yes.

307. *Chairman.*] What was the reason of the different treatment experienced by yourselves on the one side, and the Wakefield corn dealers on the other?—The object of the company no doubt was this, they wanted to get rid of us, but they wished to retain the other party, inasmuch as there was the Rochdale Canal, by which they might have gone, and they adopted such measures to the corn trade as would lead them to cut through the Huddersfield Canal, all that was clear gain to them, but they wanted to have our traffic themselves.

308. Mr. *Bright.*] Have they not made an arrangement with the Rochdale Canal, which would show that that could not be their reason?—No, I think not; I cannot say that that is the reason, but that is the only construction we could put upon it. Frequently our loading from Liverpool and Manchester to Huddersfield was to such an extent, that we found it our interest to load those corn-boats, and as they were returning back empty, they were glad to get our goods; but when we did this, the company became alarmed, and adopted the same proceeding towards them as they had adopted towards us, but they being in a better position than we were, said, "If you do that, we will send the corn by the Rochdale Canal," and ultimately they cancelled that charge, and all these other charges were cancelled, but we were out of pocket 70*l.*

309. If you had kept on, have you not every reason to believe that you would have overcome the difficulties that you met with?—There was still the uncertainty of water.

310. But did not any neglect in regard to the water for the canal interfere with the interests of the railway company as proprietors, as much as with your

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interests, and therefore could not have arisen from spite to you?—It would affect them as far as regards their stone trade, but if there happened to be stone on the line, they knew very well that if the stone did not go one day, it must go another day.

311. *Chairman.*] I understand that your wish is to represent to the Committee that the object of what you called this systematic plan was to drive the traffic off the canal, and to cause it to go by railroad?—Yes, as regards Manchester and Liverpool.

312. How long is the whole line of canal communication from Liverpool to Huddersfield?—Including the river Mersey, about 80 miles; of which 20 miles are the Manchester and Huddersfield Canal.

313. Therefore, of the 80 miles 20 are in the possession of the railway company?—Yes.

314. Then what you wish the Committee to understand is, that by the possession of the small link of 20 miles, the company are able to direct the traffic from the 80 miles to railways in their possession?—Yes; owning, as they do, 20 miles out of the 26 between Manchester and Huddersfield; they have, in regard to Huddersfield, adopted a very different treatment to us from that which the Ashton Canal Company, who owned six miles, adopted; they never made any of those charges, or put us to any inconvenience, or in any way adopted a system of bad treatment towards us.

315. You mean to represent that the effect of this proceeding has been to cause your system of business, which formerly extended over a very great part of the kingdom, to be limited now to the traffic between Liverpool and Manchester?—Yes.

316. That district between Liverpool and Manchester being in the hands of the Bridgewater trustees?—Yes; and their agents. For instance, when we were carrying between London and Manchester, though that may not have a direct bearing upon this case, without saying anything to us, the North Western Railway Company arranged with Pickford and Chaplin & Horne, with a view to get the whole traffic into their hands, and we were compelled to give up the business.

317. That had the effect of driving you off the district between London and Manchester?—Yes.

318. That must have arisen from other circumstances, as the London and North Western Railway Company were not in possession of any link in the communication there?—We were then railway carriers, and they thought proper to drive off all the carriers except Pickford and Chaplin & Horne, who are their agents to this day.

319. Mr. *Bright.*] How many other carriers were there on the Huddersfield Canal besides yourselves?—There were Buckley, Kershaw & Company, John and Luke Marsden, and Law Dyson, as well as bye-boats.

320. How long had you and they carried upon that canal before you were subjected to these annoyances?—We carried on the canal from March 1832 up to the time of the railway company getting the canal.

321. Nearly 20 years?—Yes.

322. Did Thompson, Mackay & Company carry on the same canal?—No; if they did it was only partially; they might send a boat occasionally. It was in 1847 that the railway company got the canal, so that it was from 1832 to 1847 that we carried on the canal.

323. During those 15 years did you ever suffer at all from want of water?—Occasionally, but not in any degree that we had occasion to complain of.

324. During that period, how long at any one time were you suffering from want of water?—I cannot answer that question.

325. Were you ever stopped from want of water?—Yes; but the company did all they could to keep open the canal, and they adopted the best means in their power of giving us water, and not as the North Western Railway Company have done, allow two ponds or reservoirs, according to their own admission, to get nearly full of dirt.

326 When did this slip of the bank into the ponds take place?—It would, of course, be a work of time; the time I was referring to was last spring, from the 4th of May to the 7th of June.

327. Is it your opinion that since the canal has come into the possession of the

the railway company it has not received that undivided attention that it received when it was in the hands of the old proprietors?—It is.

328. Would you not conceive that it was more accidental than intentional, seeing that it must be to the injury of the railway company if the canal is not fit for service?—The best answer to that question is by reference to the first statement I have made; there has been only one system adopted by them towards us throughout, and that has been a system of annoyance and constant loss imposed upon us from time to time.

329. Have the railway company any boats on the canal themselves?—Law Dyson, who professes to be their agent, was doing business on the canal; not of course at the time of this stoppage.

330. And the corn-boats worked over the canal?—Yes; they would of course go the other way, by the Rochdale Canal, while the canal was stopped; they could go one of two routes, either by way of the Rochdale Canal, or by this canal.

331. If those boats went by the Rochdale Canal, it was a clear loss to the company?—Yes; but not if the corn went by the railway.

332. But I understood you to say that the corn-boats were in a better position than you were, because they could threaten to go by the Rochdale Canal; if that were so, the railway company could have no interest in driving the corn-boats off the canal?—No, they could not.

333. I wish to ascertain from you, whether their not having water sufficient arose from an accident which the company might be as sorry for as you were?—My decided opinion is, that from the system of bad management which the company acted upon, the canal was stopped sooner than it would otherwise have been.

334. Are Buckley and Kershaw working on the canal now?—No.

335. Then they were driven off in the same manner?—They gave up considerably earlier than we did; I suppose they thought that there was nothing to be got out of it; and we have kept on in the face of all these difficulties, up to Christmas.

336. During the time that you and those other carriers were working on the canal, was there much fluctuation in your charge of carriage between Manchester and Huddersfield?—There was always, to a great extent, a sort of healthy competition going on between us.

337. Was there anything which was not of a healthy nature; had your company, and one or two of the other companies, what are termed working arrangements, by which you fixed the rate of charge?—We never had any such arrangement as that; that is a new idea of late years.

338. *Chairman.*] You do not mean that the idea of combination of coach proprietors to run their coaches rather in partnership than in competition, and to charge the same rate over a particular line of road, is a new idea entirely introduced by railway companies?—It is new at all events as regards this special case, inasmuch as it was never in operation.

339. Mr. *Bright.*] You had never any communication with the other companies, or arrangement, so that you should all charge at the same rate?—No, we never met together to arrange the rates.

340. Mr. *W. Patten.*] You stated that you had been driven off the communication between Manchester and London?—Yes, by the railway company.

341. How were you driven off that line?—As soon as the railway company had made an arrangement with Pickford and with Chaplin & Horne, they began to adopt a different system towards them and towards us; they had with those companies made an arrangement that, as we always considered was remunerative to them, and this they refused to make with us; they commenced making charges upon us which they made us pay. The first night that the goods came up they adopted a system of annoyance towards us which they did not adopt towards the other two parties.

342. Will you give a list of the annoyances which you considered yourself subjected to on that line, in the same way as you have done with respect to the Huddersfield Canal?—It continued for a very short time; I happened to be in London with Mr. Kenworthy when all this occurred, and in less than a week we saw that there was nothing for us to do but to give up the business, and therefore the business did not go on.

343. Had not the reduction of the rate of carriage a good deal to do with it?—No, not that I remember.

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344. Was there not at that time a considerable reduction in the rates?—I think not; I can now state how it was. When we tendered goods to the railway company at Manchester which were going to London, they did not, as they had done previously, send them up on our account, but they sent them up on their own account, and charged us the same rate that they would charge any merchant, and therefore we had nothing for ourselves. With Chaplin & Horne, and Pickford, they made special arrangements, and gave them a commission, so that we had no other alternative but to give up the business.

345. *Chairman.*] Do you mean that the whole charge of the carriage of the goods and their delivery in London was included in one charge made upon you?—No; we had to collect the goods at Manchester, and deliver them in London; they allowed a certain commission to Pickford and to Chaplin & Horne, but they refused it to us.

346. Mr. *Bright.*] Is not that illegal?—We considered it so, but the North Western Railway Company being such a powerful company, we thought there was only one course for us to adopt, and that was to abandon the trade.

347. Did you take any means to ascertain whether it was legal or not?—No. We were in the first instance induced to carry by the company, and when Mr. Baxendale was appointed principal conductor of the goods traffic of the North Western Railway Company, we considered it very unfair to put him, with whom we were competing, at the head of such an establishment. We considered that he would have facilities given to him. We were induced to carry on the railway; I think we were solicited to carry, and after awhile, when the railway company adopted plans, so as not to leave anything for the work we did, we were obliged to give it up, and we gave up all our warehouses and establishments in London. Then there came a period when they seemed to wish us to come back again; we did so. We took fresh warehouses, and engaged fresh servants, and at considerable expense succeeded in getting a pretty good trade. No sooner, however, was this accomplished, than the company took it into their heads to drive all the carriers off, except the two privileged ones, Pickford and Chaplin; and from that time to this we have never ventured to come to London again.

348. At what period did you go off the line?—It must have been five or six years ago; it would be at the time when the company made those special arrangements with those two companies that I speak of. The first arrangement has just expired, and I think they were made for five years; it would therefore be six or seven years since.

349. Since that period, has there been any reduction in the general rate of carriage on the London and North Western Railway, either in money or in greater accommodation being given to the public?—There has been great competition both by sea and by railways *viâ* Hull, though we have not been engaged in the business, there must inevitably have been some reductions. The Great Northern Railway has been opened since then. What with canals and railways and sea routes, all have tended to one point.

350. Mr. *E. Denison.*] Supposing a company like the North Western Railway Company were to take a step which you might think was beyond the law, do you think the power of going to law with them would be a remedy that would be available for a single carrier to undertake. Should you think of contesting a point of that kind with a company like the North Western Railway Company?—When this Huddersfield case was first raised, we did so. I waited upon the company's solicitor myself, and offered to do that which, if they had been as reasonable as most gentlemen are, they would have accepted; viz., to take it into the County Court. They objected to that, and they wanted us to come up to London. I have one of their agents' letters here, in April 1851, stating that the company declined to do that. Our solicitor proposed that the matter should be carried into the County Court, but their object evidently was to come up to London, to add to the expense.

351. My question did not refer to that case, but to the case you mentioned; you said that you thought it was illegal that the company should give one carrier facilities over another. Is the power of going to law on such a matter a remedy that you would think it worth while to take against such a company as the London and North Western Railway Company?—We thought that the remedy was worse than the disease; we knew that Mr. Baxendale had been at law with the North Western Railway Company for years, and must have spent thousands of

of pounds, and, as far as we could see, with no beneficial result, except that he ultimately got appointed as agent to the company, and in the same way Mr. Parker, on the Great Western Railway, has been at law with that company till he has got into the Gazette, or something of that sort.

352. What has been going on since you have been driven off the canal; do the company carry on the canal themselves?—I believe the Grand Junction Company are their own carriers at this time.

353. Is that upon the Huddersfield Canal?—No; the Grand Junction.

354. But you spoke of the Huddersfield and Manchester Canal; it was upon that canal that you allege these annoyances took place, and that you were at last compelled to give up carrying; since that time what business has been going on the canal?—The business we had from Manchester to Huddersfield has left us. The company have got it, I should say, by railway. In one case we brought a large lot of goods from Liverpool to Manchester that was to be carried by the company to Huddersfield, and they knowing that our rate up to Manchester added to the Huddersfield rate would leave them no profit, they refused to take the stuff in, and consequently we had to send the goods on ourselves.

355. My question is, what sort of carrying goes on this canal since you left it; do any carriers carry upon it, or does the company have boats upon it?—There is only one carrier that we know of on the Huddersfield and Manchester, except what we call bye-boats.

356. Who is that carrier?—Ostensibly Law Dyson; really the company.

357. Supposing that boats, which you call bye-boats, come from one canal, and want to go down through this link, which is now in the hands of the company, what charge do they put upon these bye-boats; do they put a higher charge than used to be paid before?—I should say, since we have left there has been no change; but those bye-boats are mainly engaged in carrying corn between Wakefield and Manchester, and in carrying some few drapers' goods from Manchester to Wakefield. Those it is their interest to get, inasmuch as every pound of goods that they get is taken from the Lancashire and Yorkshire Railway Company, and therefore it is not their interest to adopt a system of annoyance towards them. It is rather to their interest to encourage them. The Wakefield traffic being traffic that can go by the Lancashire and Yorkshire Railway as well as by canal to Manchester, every pound of goods that the company can get upon the canal is a clear gain to them; but between Manchester and Huddersfield the company themselves are the sole carriers.

358. Is there any other line of canals of which this forms a link, which has been impeded by this link falling into the hands of the railway company?—The traffic has been transferred; formerly a good deal used to go from Hull and Goole by the Rochdale Canal, as well as the Huddersfield Canal. A considerable portion now goes by the Rochdale Canal, but the railways get the bulk of it.

359. *Chairman.*] You have been describing certain means by which you think the possession of 20 miles of canal by a railway company prevents the free transit of goods along a series of canals. What we want to know is this; if the canal had remained in the hands of its former proprietors, would the other canals which join with it at both ends, have been in the receipt of a larger traffic than they are now?—I think they would.

360. Will you point out what kinds of traffic you think have been thus impeded?—The traffic to Wakefield, Goole and Hull; there being railway communication by means of the Lancashire and Yorkshire Railway, there is competition which prevents the Huddersfield Canal carrying goods. I should observe, that the canal communications in this part are by no means what they are in most other parts; so many railways have been made into Yorkshire, that the traffic inevitably goes by them, the main competition is between Manchester and Huddersfield, and had this canal been in the hands of the Huddersfield Canal Company, there would have been a very different trade upon it from what there has been.

361. We want to distinguish between the effect of fair competition, of which you have no right to complain, and the effect to which you wish to draw our attention, of the power which the possession of 20 miles of canal gives to a competing railway?—The London and North Western Railway Company, and the Lancashire and Yorkshire Railway Company, being on better terms than they were formerly, my impression is, that they do all they can to make arrangements

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on the give and take plan, that is, one taking one district, and the other taking another district, and that puts a stop to carriage upon the canal; the North Western Railway Company having this canal, may have made arrangements with the Lancashire and Yorkshire Railway Company that they should have the Wakefield traffic, but that could not have been done if the other company did all they could to oppose them; but if all the canals had remained in the hands of the canal companies, there would have been the same system at work now as formerly. The trustees of the Duke of Bridgewater have to contend against the railway companies, and when they find that they cannot get the full toll that they formerly had, they get anything they can, and they reduce the tolls, thinking that a little is better than nothing.

362. Supposing the Huddersfield Canal, instead of being amalgamated with the railway, had been amalgamated with the other canals in the same line, namely, between Liverpool and Huddersfield, is it your opinion that a large portion of the traffic would have gone by the Manchester and Huddersfield Canal, which now goes by railway?—Certainly, there is just none at all goes now, but if the canal had been amalgamated with the Duke of Bridgewater's Canal, they would have adopted the same plan as they adopt.

363. Then you mean to say, that besides the natural effect which the competition of railroads has produced upon canals, there is another distinct effect produced by allowing a railway company to become the possessor of a link in a chain of canals?—Yes.

364. That is what you mean to represent to this Committee has taken place, particularly at Huddersfield?—Yes, by their possession of this canal, they have put obstacles in our way which would not have existed under other circumstances.

365. Mr. *W. Patten.*] Are there not four canals between Huddersfield and Manchester?—The two canals of Sir John Ramsden and the Huddersfield were amalgamated with the North Western Railway, so that we look upon those as one. Then there is the Ashton Canal; they never adopted during this period any system of annoyance whatever, whilst the London and North Western Railway Company have done so; for instance, we have paid them their accounts as they sent them in.

366. Mr. *Bright.*] Is the Ashton Canal in the hands of the original company?—No; it has been transferred to the Sheffield and Lincolnshire Railway Company.

367. Do you know whether, on the transference of that canal to the Sheffield and Lincolnshire Railway Company, any further conditions were imposed by Parliament for the protection of the carriers than existed in the case of the transference of the Huddersfield Canal to the North Western Railway Company?—I am not aware of any such conditions; but still they are their own carriers on that canal; but we do not come in contact with them at Huddersfield, we come in contact with them at Ashton, and they have thrown no obstacles in our way.

368. Do you know whether the carriage from Manchester to Huddersfield is higher or lower now than it was when you were the principal carriers by canal, and charged what you thought proper?—Having no interest in the matter since Christmas last, I have had no curiosity to inquire; but a gentleman I was talking with on this subject this morning says, that he believes they have put the rates up, but that I cannot vouch for.

369. On the whole, do you believe that the people of Huddersfield are served worse in the carriage of goods of all kinds than they used to be when this interference had not taken place?—Their being served worse is more as regards the future than the past, because during the past management they durst not raise the charges, inasmuch as we were there to compete, and the public wished us to remain, and encouraged us to remain, thinking they should be in worse hands if we gave up.

370. You are not aware whether they are in worse hands yet?—No.

371. *Chairman.*] But they have lost the option which they would have had if both you and the company had remained?—Yes, they were very anxious to keep us there during the whole time of our dispute with the company.

372. Mr. *Bright.*] Is this the only case of canal and railway management with which you are intimately acquainted?—It is the only one that we have had difficulties with; for upwards of 30 years we have not received any such treatment,

treatment, from either a canal or a railway company, as we have received from the London and North Western Railway Company.

373. Are you aware that the Manchester and Huddersfield line has been very expensive, and is not very lucrative?—Yes.

374. And you know that the London and North Western Company has very heavy competition with the Leeds Company into Yorkshire?—Yes.

375. And possibly the necessities of their position, under the circumstances under which they took that line, may have driven them to adopt less scrupulous modes of increasing their business than they would have had recourse to had their condition been different?—That is possible; but that applies to almost every case that you may fix on.

376. I thought you said that you did not know any other case in which you had been treated so badly?—Every railway company or canal company has more difficulties now than formerly, and they determined upon taking the line when there was one existing, though somewhat indirect.

377. You think that the necessities of the London and North Western Railway Company on that line, and the pressure of the shareholders, who naturally wished to have a dividend, may have driven them beyond the line which you think it would be advantageous to the public for them to adopt?—Yes, and beyond the line that I conceive it would have been to their own interest to adopt. I do not conceive it was their interest to adopt this course.

378. You think they took a short-sighted view of their own interest?—Yes.

379. As they find that out by practical experience, do you think they are likely to become more reasonable by and by?—I cannot answer that question.

380. *Chairman.*] You do not blame the individuals, but you object to the particular arrangement which has been made by Parliament?—Yes; the transfer of the link in the chain of canals.

381. Mr. *Bright.*] Have the railway company got that canal by an Act of Parliament?—Yes.

382. Is it your opinion, from what you know of that canal and the reservoirs, that the company will allow the works to get out of repair, with a view of ultimately closing the canal?—As I have observed before, having kept up the business till Christmas last, and having tried to the very last to go on, I assure you we should not have given it up if we had not been obliged to do so, for it was a feeder to our Liverpool business, as well as being connected with the Manchester and Huddersfield business; but we have all along been under the impression that they have not paid the same attention to the management of the canal, either its locks, or anything else, as was paid previously to its coming into their hands.

383. Colonel *Mure.*] You think that there was an indifference on the part of the company, arising from their having the railway, and that they had not the same interest to preserve the canal?—Just so. I do not think that they want the canal now for anything except for mineral traffic. I think they would be glad to get mineral traffic, or anything else, out of the district which belongs to another company; for instance, if they can get any corn to come that way from Wakefield, instead of by the Rochdale Canal, that is a clear gain to them.

384. Do you think it would be injurious to the interests of that district if the canal were abandoned, and the whole of the traffic went by the railroad?—Certainly. There are many mills on the canal, and warehouses for the accommodation of goods; indeed I am not aware that the company have any warehouses, except the canal warehouses.

385. Mr. *E. Denison.*] When goods have been put upon the line of railway, is it not much more easy to keep them there, than if they had come down by water in the first instance from Huddersfield, and then had the choice of going on by railway or canal; is not a great deal of unnecessary labour expended in making the same article travel part of its journey by canal, and the other part by railway?—Yes.

386. Mr. *W. Patten.*] Do you consider that if canals had fair play, as opposed to railways, they could compete with them in regard to general traffic?—A good deal depends upon the description of canal; between Liverpool and Manchester we can send boats of 40 or 50 tons burden; there we think we can compete; but if the railway companies adopt the plan of monopoly as they have done

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done in some cases, that is a different thing; between Manchester and Liverpool I think we can carry as low as they can.

387. Between Manchester and London could you compete?—That is a different case, because canals were not made to suit the present time; they were made for by-gone times, and made round about; made too narrow and too shallow likewise, and much too small. The Grand Junction Canal is an exception; it is much better than the Staffordshire canals; you can bring vessels of large burden, and the locks are much larger.

Seymour Clarke, Esq. called in; and Examined.

S. Clarke, Esq.

388. *Chairman.*] YOU are now General Manager of the Great Northern Railway?—Yes.

389. Did you fill a situation of the same kind on the Great Western Railway?—Not exactly of the same kind. I was traffic manager on the Great Western Railway, and then I became general manager on the Great Northern Railway.

390. Have you been occupied upon any other railway besides those two?—No, but I have had experience now for 18 years.

391. You were present in this room at the last sitting of the Committee, when Mr. Laing was examined?—Yes, on Wednesday last.

392. You heard the evidence which Mr. Laing gave on the subject of running clauses?—Yes.

393. Will you be good enough to state to the Committee your views on that subject, and particularly whether you agree or not with Mr. Laing?—Mr. Laing expressed a strong opinion against one company running over the line of another company. Upon that subject I may observe, that every day we are working over 126 miles of other companies' lines, what we call foreign lines, and our traffic would be stopped if that were not done.

394. Will you be so good as to tell us in general terms what is the portion of the country which you occupy by your domestic lines, and what is the portion of country which you supply with traffic accommodation by passing over foreign lines?—Our main line runs from London to Askern, which is an inconsiderable place in Yorkshire, it is a sort of little Harrogate; then we come in contact with another line, which is the property of the Lancashire and Yorkshire Railway Company; our line, as originally proposed, ran from Askern through Selby to York, but the Lancashire and Yorkshire Railway Company had a line which went from Askern to Knottingley, and the York and North Midland Railway Company had a line which went from Knottingley to York, and therefore our line stopped at Askern, and we run by consent of those companies between Askern and York, instead of those 28 miles being made independently by us.

395. Mr. *Bright.*] Then between Askern and York, you run over 28 miles of line not your own, and of those 28 miles, a portion belongs to the Lancashire and Yorkshire Railway Company, and a portion to the York and North Midland Railway Company?—Yes, they are what we call foreign lines; then we run along the Clarborough branch, which forms the connexion between the loop line and the main line; those 13 miles belong to the Manchester, Sheffield, and Lincolnshire Railway Company; then from Retford, in the same way we run to Sheffield, which is a distance of 24 miles; then from Doncaster to Barnsley, we run over the South Yorkshire line into the coal district, that is a distance of 18 miles; then from Knottingley to Leeds, we run partly over the Lancashire and Yorkshire line, and partly over the Midland line into Leeds; and from Knottingly to Wakefield, we run over 11 miles of the Lancashire and Yorkshire line; from the point where our loop-line finishes, we run on to New Holland on our way to Hull, which is the opposite bank of the Humber, making a total of 126 miles of foreign lines; we run over 283 miles in all; therefore nearly 50 per cent. of the length of our line is work over foreign lines.

396. Mr. *Labouchere.*] Are those foreign lines hostile lines, or are they allied lines?—They have been both; we have been in court with three of the lines that I have mentioned, with the South Yorkshire line, to which our coal trains run; we were ten days ago before the Court of Chancery, and we are now before the Lords Justices.

397. *Chairman.*] Do you mean, in short, to represent to the Committee this, that your experience leads to the conclusion, that Parliamentary powers of running over lines with which you have no very friendly relations, are consistent with

with public safety, and conducive to the convenience of the public?—Certainly; I would qualify that in this way, that no foreign line should be worked with perhaps one train to-day, none to-morrow, and two trains the following day, but there would be proper notice given under the powers that would be obtained under the Act of Parliament, that it was the intention to run such and such trains, or some time bill might be established to lay down, that on such and such a day, and at such an hour, a train would commence to run, and then that train would be as much part of the general system, as the trains of the company that owned the line.

398. Mr. *W. Patten.*] You would not propose to run independent trains on foreign lines?—No; companies even on their own lines object to run special trains without proper notice.

399. *Chairman.*] You mean, that if the system of running clauses sanctioned by Parliament should be carried into effect, it would be necessary that timely notice should be given and proper arrangements made?—Yes.

400. For instance, a company running trains by means of running powers over the line of another company, could not send special express trains with the same facility that the company owning the line might send them?—That is so; but I should also state that it is inconvenient for a company, even on its own line, to send unexpected trains.

401. Even with the electric telegraph?—Yes; although that is obliged to be done constantly.

402. You would represent to the Committee, as the result of your experience, that Parliament might with safety sanction one company, the rails of which were co-terminous at a particular point with the rails of another company, carrying trains partly over its own line and partly over the line of that other company, so as to participate in the traffic of that other company?—Yes.

403. Will you be good enough to state from the experience of the Great Northern Railway whether any inconvenience would arise to you, and through you to the public, from that power being refused to you?—From the way in which our line is made, if we stopped at Askern, the public would be very much inconvenienced; they would not be able so readily to get to York and to the north of England.

404. That is, if it were the interest of the Lancashire and Yorkshire and North Midland Railway Companies to prevent it?—Yes.

405. Is it the case that you are carrying on a traffic which it would be to the interest of the lines over which you run to prevent, if possible?—That has been the case.

406. Will you state an instance?—The line between Sykes and Clarborough, which is in the hands of the Manchester and Sheffield, and also between Grimsby and New Holland, which was in their hands, was at one time worked by us in opposition to them.

407. And yet no inconvenience to the public safety arose?—No.

408. The part of the country which you have spoken of is not one of the most populous parts of the kingdom?—No; but though it is not very populous, the number of trains that run in some parts is considerable; for instance, there is the Ulceby junction, which is the way from the Lincoln branch of the Manchester and Sheffield Railway into Hull; it is also the way from the main line to Hull; it is the way from our East Lincolnshire line to Hull; and it ends in a single line of rails on to a pier some 400 or 500 feet long into the Humber, upon which, notwithstanding there was opposition at the time, all the trains ran every day without the slightest danger to the public.

409. Can you state how many trains there were?—There must have been 26 trains a day each way.

410. There are some railway stations in the country that nearly 200 trains pass, going in and out, in the course of the 24 hours?—Yes.

411. Do you think it would be safe to have different railway companies, not friendly to one another, running trains through a station of that kind?—Yes; I think it would be safe, for this reason, all trains are regulated by the same signals; there is not one set of signals for the trains of the Great Northern Railway and another set of signals for the trains of the Lancashire and Yorkshire Railway, and another set of signals for the trains of a third company; and though a delay might be caused by irregularity in any one of those trains that might affect the whole of them, yet the fact of their being the trains of another company,

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company, would not make it more likely that danger would occur, than if it were one line worked by one company.

412. Then the question is limited to this, whether the whole number of trains can conveniently or safely pass along the portion of the railroad in the 24 hours, and you think the question whether the company which owns the line is friendly or not with the company that runs trains over that line, has no bearing whatever upon the matter?—Not on the safety.

413. Mr. *Strutt.*] Are you aware of the difficulties which have occurred at Nottingham, and the disputes between the Ambergate Railway Company and the Midland Railway Company?—Yes. The Midland Railway Company wished to possess themselves of the Ambergate Railway; and the Ambergate Railway wished to work in correspondence with the Great Northern Railway, because it gave them another route to London; there are two miles where the Ambergate trains have to run over the Midland line, the Ambergate Company have always worked that line themselves; but they being short of engine power, hired an engine of us, and this engine unfortunately displeased the Midland Company, and it was impounded for some months, and an action has been commenced, to see who is right in that. There was also an injunction applied for by the Midland Company, to restrain the Ambergate Company from running, but that injunction has been dismissed.

414. Has there not been a difficulty in the delivery of goods, and a refusal by the Midland Company to bring goods to Nottingham?—Yes; there has been a refusal on the part of the Midland Company to allow the Ambergate Company to do their own goods business in the Nottingham Station. Goods which were intended to have been sent by the Ambergate Company over the Great Northern line to London, were impeded by the agents of the Midland Company, and sent in the opposite direction.

415. Is not the result of that dispute that the Ambergate Company is at this time applying for power to make a new branch for the two miles that you speak of, and also a new station at Nottingham?—Yes, and they are at this moment working horses and carts between Colwick and Nottingham, because they have difficulties in running over the Midland line.

416. Mr. *Labouchere.*] Does not a unity of management enable the fast and slow trains to be so arranged with reference to each other as to increase the safety of the public?—Yes; but all the trains are regulated by the same set of signals; no trains should run in without previous notice being given to the company owning the line, so that the trains of the foreign company would form part of the daily system of the line over which they were running.

417. But a mixed management would not enable the trains to be allocated in the way in which they are now allocated by a company working a line?—There would be no mixture of management; the management of the line would be entirely in the company owning the line, though some of the trains running over it would be trains belonging to another company.

418. Do you mean that the company owning the line should have the power of putting its veto upon the trains of another company coming upon it?—Not an absolute veto; but they should have the power of regulating the running of the trains on their line.

419. Mr. *Bright.*] You mean that they should regulate how long the trains should stop at stations, and so forth?—Yes.

420. If you run over another line you are obliged to act in conjunction with them, so that you may not run into one of their trains as they come by the point of junction?—Yes; that is all done by previous concert.

421. Mr. *Labouchere.*] If you were quarrelling, and there were personal feeling between the directors, might it not happen that difficulties might be thrown in your way, and the public might suffer?—Some tribunal to which we might appeal would be desirable.

422. *Chairman.*] You have had a collision between your trains and the trains of the Manchester and Sheffield Company?—Yes, an accident occurred, but it would have occurred equally if it had been a train of their own.

423. Will you be so good as to describe the nature of the power which you would vest in a department of the Government?—I presume that I am to give my answer with reference to the great amalgamation question which will come before this Committee, and bearing also upon Mr. Laing's evidence, that the Committee wish me to state what regulations, in the event of amalgamations being

being allowed to companies, would I think be necessary to protect the public from the evil effects of those amalgamations.

424. We obtained from Mr. Laing his opinion, that that kind of competition which would be created by allowing a company to diminish its route by the exercise of running powers over a portion of the line of another company, and which was necessary for the purpose of enabling it to complete the whole line upon which the competition was to take place, would be dangerous to the public, and, in short, quite incompatible with the public safety. You say that that system may, with perfect safety, be allowed, and that a department of Government might make regulations in each case for the purpose of insuring safety?—Yes, I mean this, that in the event of certain large amalgamations taking place, the public might for their convenience require the trains of other companies to run on, which, by the amalgamated companies, might possibly be kept off their lines, it should, I think, be in the power of some tribunal in the country to make arrangements that such trains should, for public convenience, run forward on the foreign line.

425. Supposing it was convenient for you to run from London to Manchester by your own line and by the Manchester and Sheffield line, supposing the Manchester and Sheffield Railway Company, being identified with your rivals, it was not their interest to facilitate that, and therefore the arrangements on the Manchester and Sheffield line were such as to prevent the continuity of your traffic to Manchester; in what way would you propose that this executive tribunal should assist you in carrying out your object?—As a court of appeal, to enforce regulations to allow the trains of our company to pass over the line of another company.

426. In conducting the traffic of a railway, there are certain questions which arise, as to the supply of coke and water, and the conveniences of stations, and other matters of that kind, would those be matters which could be arbitrated by this executive department?—I think not; the mode in which the traffic should be conducted would not be settled by this executive department; they would say that it must be conducted in some way convenient to the traffic, because it is well known to all persons connected with the management of traffic, what is required, and there is no difficulty in settling that, if the company is only required to do it.

427. You might, if you liked, carry traffic along any line of railroad that you touched; take, for instance, the Manchester, Sheffield, and Lincolnshire Railway, you might, if you liked, carry traffic, in competition with them, between East Retford and Manchester, or between Sheffield and Manchester?—Not in competition with the company owning the line, because you do not pass over the whole of their line.

428. Does your plan contemplate that you should book passengers from Sheffield to Manchester?—Certainly not.

429. Would not the competition be ineffectual which required your trains to go the whole length of the line from East Retford to Manchester, and did not allow you to take up roadside traffic?—I should view it in this way, traffic from one part of a line to any part of another line, would be legitimate traffic for the company using the other line, but any local traffic emanating on the line should be carried on by the company owning the line.

430. Then you contemplate a virtual monopoly in the company which occupies a particular district, as far as regards the local traffic of that district?—Yes.

431. Is it not a source of economy to any company carrying on the traffic, that it should not only take the through traffic of long distances, but also pick up and put down passengers at the several stations at which it stopped?—Yes; and it would come to that eventually.

432. Will you state in what way you expect that result to be brought about?—It is every day's experience at this moment. If you notice that place, Askern, which I spoke of before, you will find a variety of stations between Askern and Knottingly; by an existing arrangement with the Lancashire and Yorkshire Railway Company our trains work over that line, and carry the local traffic of that company; it saves them the expense of running trains; in fact, they run no trains over one portion of their line.

433. No difficulty is anticipated where the two companies have a cordial understanding with one another; but the question which we want you to solve is, how your proposed scheme would work with one company in competition, and

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and therefore, to a certain extent, in hostility with another company using the line, by virtue of compulsory powers given to them by Parliament?—I would go back to my scheme of a court of appeal to settle those differences, which, for a while might very possibly exist, but which, after a while, would not trouble them at all.

434. Do you intend that any local traffic should be allowed to be carried on the line of one company by the trains of another company having running powers?—Not without the consent of the company owning the line.

435. Then would it not virtually be a great advantage to the one company which could take both kinds of traffic, and would not the competition of the other company which could only take the through traffic be ineffectual?—It would be to the advantage of the company owning the line, that the local traffic should be carried by any trains which were at that time passing, on an agreed payment to be made out of the total fares or earnings, because it would save the company owning the line the expense of running trains of its own to carry that traffic.

436. What would be the advantage of having compulsory powers, if by agreement the interests of both parties would be served?—Because when the thing can be done, it will be done.

437. I have endeavoured to draw your attention to this, that the company which owns the line will, from the nature of the case, have a great advantage in the competition against a foreign company which comes on the line; will it be to the interest of the company which enters upon the competition with a decided natural advantage, to make terms with the other company, or will it not be to their interest to exclude the other company?—I think we are not quite considering the same subject; I am alluding to the public inconvenience; referring to the Nottingham case, to which Mr. Strutt alluded, supposing, for instance, the Midland and the North Western Companies were to become proprietors of the Ambergate line, the fact of the trains running on the Ambergate and Nottingham line so as to hit the train at Grantham on our line, would render it possible for a man from Nottingham who wanted to come to London to come by way of Grantham, but inasmuch as it would be more advantageous for the Midland Company to bring a man who wanted to come to London by way of Leicester, they would arrange the train so as not to hit the Grantham train, and thereby the public would be inconvenienced. I will give another illustration; our line from Peterborough to London is 76 miles as against 103 by the other route; there is a line from Melton and that district called the Syston and Peterborough line, which runs into Peterborough, if the trains on that line ran into Peterborough at such times as to enable parties to come direct on, by our line, it would be convenient for parties to come that way; whereas if the trains did not fit, but parties had to wait at Peterborough for two or three hours, they would go the other way, and that would be an inconvenience to the public in this district.

438. You would propose to take passengers from Melton Mowbray to London?—Yes.

439. Then, as regards the use of the station at Melton Mowbray, and keeping clerks to give tickets, would you propose to use the clerks of the Midland Railway Company?—I would not go to the expense of a duplicate establishment.

440. If the other company declined to receive your clerks and servants at Melton Mowbray, do you think it should be in the power of the Board of Trade, or some other department, to interfere, and to say to what extent the servants of the other company should book passengers?—Yes.

441. Would not that be a power which it would be very difficult for an executive department to exercise?—If such a power did exist, and the company objected to the arrangement, I believe that they would very soon fall into it, because they would know that it would be enforced.

442. Mr. *E. Denison*.] Your intention, as I understood it, was this, there is a train running from those places at present to Peterborough, but it contrives to run to Peterborough just at such a time as to miss your train?—Yes.

443. Your meaning is not that your clerks should go and book passengers at Melton Mowbray, but that those trains should run at such a time as that they should meet the trains of the Great Northern line?—Yes; the Chairman put the alternative. I should first of all wish to see a power in some public Board to require that those short trains should run, so as to meet the long trains, but if it were

were shown by the other company that that was impracticable, or that a train starting at a certain hour would not fit in with some train on the other side of the kingdom, I should wish to give a power to the long line to run upon the short line, in order to carry their traffic.

444. *Chairman.*] The whole question to which your attention has been hitherto directed is that of running powers, but that to which Mr. Denison now refers is not running powers, but the arrangement of the trains?—But the one is connected with the other; if the trains cannot be arranged, then there should be running powers given; there is no wish, on the part of the company, to run on foreign lines, but if the public convenience suffers much, this should be a way of remedying it.

445. You propose that running powers should be held *in terrorem* over companies, and that they should not be enforced if it could be avoided?—Yes, I would rather that the object should be attained by other means.

446. What is your view of amalgamations?—There are two sorts of amalgamation, one sort of amalgamation I think would tend to the public convenience, and the other would not have that tendency.

447. Will you state more fully what your view upon that subject is?—Such an amalgamation of interest as the Birmingham and Grand Junction Companies, or the Great Western and Bristol and Exeter Railway Companies, or any line that forms a continuation of another line, certainly tends to the public convenience. Take the Great Western and the Bristol and Exeter Railway Companies for instance; supposing there was no unity of action between those parties, persons going by a train from Paddington to Bristol, might get to Bristol and find no train running on, and if the traffic is managed by one Board, there is no doubt that the public will get much better from one end of the journey to the other, than if it were not so.

448. The kind of amalgamation of which you do not approve is, where lines running at right angles, or across one another, are proposed to be amalgamated?—Yes.

449. Or lines running parallel?—I do not think the public would suffer by parallel lines being amalgamated.

450. Take a case which we have before Parliament this session, of the amalgamation of the Edinburgh and Glasgow and Caledonian Railways; what would you say to an amalgamation of that kind?—The public would not gain by that.

451. Is it not difficult to say in all cases, whether one system be a natural continuation of another, or not?—I do not think it is difficult if you look at a map of England, and judge of the nature of the traffic.

452. Take for instance an amalgamation between the North Western and the Midland Railway Companies; would you call that a continuous amalgamation, or a rectangular one?—Certainly not a continuous one.

453. And yet trains may go in a continuous line from Euston-square to Rugby, on the North Western Railway, and then, to the passenger, they go apparently in a continuous line to the further points, viz. Leeds, Nottingham, and York?—Yes, they go apparently in a continuous line, and in the same way with a pair of compasses; the compasses go straight till they separate, and then, though they run individually a straight line, they are not parallel to each other.

454. What would you say with respect to the Great Northern and the East Lincolnshire Railway diverging at Peterborough?—The East Lincolnshire line runs to a place where no kind of competition can exist, it being on the coast. You may regard the East Lincolnshire line as part of a direct communication which finishes in itself; but if it were in the middle of the country, and there were lines running in competition with it, it would not be a desirable amalgamation.

455. Still, when you speak of a continuous line and a rectangular line, is it not difficult, in many cases, to say which are continuous lines and which are rectangular lines?—No, I think not. You have mentioned the London and North Western line; that professes to be a line running from London to the north-west; it in fact finishes at Liverpool, but it is carried on, by amalgamation of interest, though not amalgamation proper, with the Preston and Lancashire, and Lancashire and Carlisle, and so on up to Glasgow. If you take the point of divergence at Rugby, there is also a railway to Warwick; there is a railway from Rugby to Birmingham, from Rugby to Peterborough, and from

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Blisworth to Peterborough; then, when you get upon the Midland line from Kegworth, the Lincoln junction is at a right angle, or very nearly, to the Midland line itself; you cannot call that a continuous amalgamation.

456. Mr. *Strutt.*] Suppose you were to take that case, at a time when there was a railway to Birmingham and another to Derby and Leeds, would that make any difference, in your opinion?—I say, that it is a continuous line from Rugby to Lincoln, and a continuous line from Rugby and Manchester, and a continuous line from Rugby to Gloucester; but taking them as a whole, they cannot be called one continuous line.

457. It is a continuous line from London through Rugby to Birmingham, but not through Rugby to Leeds?—No, or to Bristol.

458. Mr. *Bright.*] Will you state what are the objections in your opinion to amalgamation. Take the case of the London and North Western and the Midland Railways?—In the first place, there is an immense capital to deal with, about 50,000,000 *l.*, which forms this large body; that would be so very important a corporation, that it would be very difficult for Parliament to impose any rules or regulations upon it. In the second place, the capital is so immense, and the weekly returns are so great, that at any point where it would suit the convenience of the amalgamated company to coerce a carrying company, like Messrs. Kenworthy, whose evidence preceded mine, or any other body trading on its line, the amount of temporary loss to itself would be so insignificant, that it would never be regarded in the object which it might have to monopolize a certain trade. Then with regard to the convenience of the country, I go back to my cross lines; if these cross branches were possessed by the large body we are talking of, it would not matter to that body to work those short cross lines at a loss, or not to work them at all, because though the traffic of that branch *per se*, might suffer, still if the effect of its being worked properly were to take the traffic to another rival line, that would be a thing which the large body would object to, and therefore it would be worth their while to sustain a temporary loss, which would be to the inconvenience of the public.

459. *Chairman.*] Would it not be likely, that in a large amalgamation like that, those small cross lines would immediately, or ultimately, be absorbed in the general scheme of the district?—Yes, and that would make them worse.

460. Every amalgamation that is to be embodied in the law, must come before a Committee of this House; but is it not the fact, that what is tantamount to amalgamation is going on extensively all over the railway system?—Very much so, in the way of working agreements to the exclusion of facilities for people to pass on to other lines. I may illustrate my meaning by alluding to the case of the Lancashire and Yorkshire Railway. The Lancashire and Yorkshire Railway passes through a very populous valley; it goes by Todmorden, Rochdale, and all those places, although it is a shorter route from Knottingley, which is on the Lancashire and Yorkshire Railway to London from any of those populous places, still by an arrangement called a traffic arrangement, between the London and North Western and the Lancashire and Yorkshire Railway Companies, those places are precluded from sending passengers to Knottingley in order to find their way to London, except on paying so largely an increased fare from the stations on the cross line to Knottingley, the point where the Great Northern Railway begins, that it is a virtual prohibition.

461. Is there not an arrangement now being made between the Great Northern and the Lancashire and Yorkshire Railway Companies?—There is an arrangement of this sort; we have power by Act of Parliament to run to Wakefield, and by an Act of Parliament of the Session of 1851, we are joint owners of the Wakefield station, therefore the arrangement finishes at Wakefield, and there will be no greater chance for a man living at Todmorden, and that district coming by Wakefield to London, than there is now.

462. Mr. *M. Milnes.*] Can you suggest anything which could be done by amalgamation which non-amalgamation prevents companies from doing?—I think that in granting an Amalgamation Bill, the Government might acquire a power of control such as I have hinted at in the commencement of my examination, so as to give the public some appeal.

463. Therefore you think the public might have the power of appealing to some special authority in case of amalgamation, which they have not now?—Yes, I think so.

464. You are aware that two expresses leave York much about the same time in

in the evening, within 20 minutes of each other, and run on the same line?—Yes, they go within 10 minutes of each other; one goes at 4, and the other at 10 minutes past 4.

465. Would such a useless expense as that be remedied by amalgamation?—If the York and North Midland Railway were amalgamated with the Great Northern Railway as a continuous route, there is no doubt that this train which runs over the York and North Midland Railway would not run.

466. Could not the York and North Midland Railway Company make an arrangement by which this would be prevented?—One is the Great Northern train and the other is the York and North Midland train; in case of their being under one direction, either the Midland passengers would have to turn out at Burton Salmon, or the Grantham people would have to turn out.

467. You then think if an amalgamation took place, the expense of a second train would be avoided?—Yes, to the public injury; the companies would gain, and the public would suffer.

468. You think that very probably the public would be put to the annoyance of changing at Burton Salmon, supposing those lines were amalgamated?—Yes, I think so for one strong reason; that in consequence of the Great Northern line being 30 miles shorter between London and York, the proportion of passengers that travel to London by the long route is so very small, that it would not be worth while to have that train.

469. *Chairman.*] We were upon the subject of a general amalgamation, and you were saying that amalgamation, by way of working arrangements, is now rapidly going on. You have alluded to an award which was made by Mr. Gladstone between you and the North Western Railway Company; will you state generally what the nature of that arrangement is?—The London and North Western and the Great Northern Railways were in active competition at the time of the opening of the Great Northern line at several points touched by those lines. There are six of them; Lincoln, Doncaster, Sheffield, Wakefield, York, and Leeds. By consent of the two companies, Mr. Gladstone was asked if he would be good enough to decide between the companies, what proportion of the total through traffic should pass by each route, instead of the two companies fighting for the traffic; he took a great deal of trouble about it, and went into evidence as to what they carried, and what was likely to be carried, and the relative distances, and he arrived at this award: that of goods the proportions were to be as follows: York Great Northern, 75 per cent.; London and North Western, 25; Doncaster Great Northern, 90; and London and North Western, 10; Lincoln Great Northern, 70; and London and North Western, 30; Leeds Great Northern, 65; and London and North Western, 35; Sheffield Great Northern, 70; and London and North Western, 30; Wakefield Great Northern, 60; and London and North Western, 40. Then passengers: York Great Northern, 80; and London and North Western, 20; Doncaster Great Northern, 95; and London and North Western, 5; Lincoln Great Northern, 85; and London and Western, 15; Leeds Great Northern, 65, and London and North Western, 35; Sheffield Great Northern, 60, and London and North Western, 40; Wakefield Great Northern, 75, and London and North Western, 25.

470. Do you consider that that arrangement is now in operation satisfactorily to both companies?—It is satisfactory, as we both agreed to abide by it, and we are working in a friendly way under it; but it entails a considerable weekly loss upon the Great Northern Company.

471. There is a territorial division between the London and North Western and Great Northern Railway Companies; all to the west of certain places belongs to one company exclusively, and all to the east belongs to the other company, and those are intermediate points upon which the distribution has been made?—It is not a territorial division, but a division of the actual traffic of the main towns; but places on the south of those may be as fiercely competed for by the companies as ever.

472. To whatever extent, it does not amount to a territorial arrangement; it is incomplete; but to the extent that it is a territorial arrangement, it would be complete as regards those points?—Yes.

473. And those, I presume, are the principal points?—They were the points upon which Mr. Gladstone was asked to give his award; they were points to which the two companies ran. I should observe, that in addition to those figures,

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figures, in the event of an excess of those per centages being carried, 20 per cent. was to be deducted in favour of the company carrying it, for the expense of it, and the rest was to go back to the other company.

474. That is to say, 20 per cent. is considered a fair remuneration for the actual cost of carrying, and is probably fixed low, in order that one company may not have an inducement to carry the traffic of the other?—Exactly.

475. Mr. *Bright.*] On the whole, do you think that Mr. Gladstone's decision was so satisfactory as to have justified the two companies in proposing to settle the matter by arbitration?—Yes, and for this reason; the Great Northern line was just opening, and it was not at all known what amount of traffic would follow, therefore we were quite content, and the London and North Western Railway Company were quite content also to abide by any figures that were put down, and to see how far they were borne out by facts during the continuance of the award.

476. How long is that award to continue in operation?—Till the 1st of January 1856.

477. What is your opinion upon the question of arbitrations in general, in regard to the contests between the London and North Western and Great Western Railway Companies, and various other contests that have happened; do you think that those disputes could be satisfactorily settled by any tribunal established by Act of Parliament; supposing, for instance, the President of the Board of Trade were empowered to decide by arbitration?—I think there might be a settlement of those disputes by such means.

478. Do you think establishing a tribunal like that would be advantageous to the country?—I do.

479. *Chairman.*] Do you think it would be possible for the President of the Board of Trade to settle a dispute between two companies like the Shrewsbury and Birmingham, and to give satisfaction to both?—Yes, I think it is possible; I think he should hear evidence on both sides.

480. I hope you do not mean the President of the Board of Trade himself to go into the matter, but some arbitrator who might be appointed by him?—I should be quite content to put my case before you if I had one.

481. But if an arbitrator was appointed by the President of the Board of Trade, you would be equally content?—Perhaps I might.

482. You have told us that you have traffic arrangements on the west; have you arrangements of the nature of traffic arrangements on the east?—Yes; we have complete territorial arrangements with the Eastern Counties Railway Company.

483. Have you any objection to state what those are?—None at all; it is an arrangement for 14 years; the Eastern Counties Railway Company have the working of the short line from Hitchin to Royston, which the Great Northern Railway Company, in more prosperous days, had guaranteed at six per cent. to the proprietors; that gave us an opportunity of going to Cambridge, which the Eastern Counties Railway Company considered very much interfered with their district; we therefore made this arrangement, that they were to pay us 16,000*l.* a year for the use of that line, and they were to work three trains at convenient times for the benefit of the public, to meet our trains to carry the public on, and to book at through rates between their district and London, or any other place on our line. A boundary line is drawn on the Ordnance map, giving as nearly as possible to each Company half of the district that lies between the lines of the Eastern Counties and the Great Northern Railway Companies where they come nearest together; they are not to seek traffic to the west of that line to be carried on their line, and we are not to seek traffic to the east of that line to carry on to our line.

484. Mr. *Bright.*] Does that work satisfactorily?—Yes.

485. Has it prevented any further contest or litigation?—Yes.

486. Mr. *E. Denison.*] How long has it been in existence?—About 12 months.

487. *Chairman.*] Is it, then, your opinion, that whether with the sanction of Parliament, or without it, combination between different railway companies is in progress, and is sure to be accomplished?—I think it is sure to be accomplished.

488. Mr. Laing used the phrase, that the game would be played out in two years?—I think he rather anticipated the period. I do not think it will be in so short a period as two years, unless with the interference of Parliament.

489. But

489. But you believe that in a short time the game will be played out, and that then competition will cease?—Yes.

490. Is it your opinion that it is the duty of Parliament to provide security against the unprotected state in which the public will be, when the competition between all railway companies shall come to an end?—Yes; the public should have an appeal to some tribunal where they could get grievances, such as I refer to, set right.

491. With reference to new legislation, do you think that as the extension of the railway system by means of the construction of new railways takes place, it will be possible to limit the Parliamentary expense to which companies are put?—If a territorial division were made, there would be much less expense in getting up new branches, because there would be no Parliamentary opposition.

492. What is the whole capital of the Great Northern Railway Company?—About ten million pounds.

493. How much is entered in your accounts as having been expended in legal expenses?—£. 152,013. 18 *s.*

494. Is that the total cost which you have sustained by reason of your Parliamentary and other contests?—No, you must add 500,000 *l.* to that.

495. In what way has that 500,000 *l.* been expended?—In Parliamentary opposition.

496. Does that go under the head of law?—No; in our accounts, law means law bills in the purchase of land.

497. Upon the whole then, 650,000 *l.* has been expended in Parliamentary and other contests?—Yes.

498. Mr. *Bright.*] Does that include those considerations which are supposed to have been given in certain quarters to landowners, in order to prevent opposition?—I do not know what you mean; I have only been with this company two years, and any considerations that were given previously, I am quite ignorant of, except as matter of hearsay, and as matter of account, I see those things.

499. What has the land cost you?—The land has cost, including compensation for severances and matters of that sort, 1,720,000 *l.*

500. What would that be per mile?—There are 283 miles in length; I cannot tell you how many acres, but the average railway mile forward, is about 10 acres to the mile for the narrow gauge.

501. Mr. *M. Milnes.*] Would that sum include the land taken for the stations?—Yes, it includes all the land.

502. Mr. *Bright.*] You state that the whole sum expended is 1,720,000 *l.*, and that the mileage is 283 miles, and that the mileage may be reckoned at about 10 acres to a mile?—Yes; but that is for the railway without the stations.

503. Then it will follow from those figures, that your line cost in land and compensation and severances, 6,077 *l.* per mile?—Yes.

504. Which is equal to more than 607 *l.* per acre?—Yes.

505. Mr. *M. Milnes.*] Do you know what proportion of that is taken up by the London station?—No; but the land from King's Cross to Hornsey, which is four miles out of London, cost 464,960 *l.*

506. What portion of that was for old buildings?—I cannot tell.

507. Colonel *Mure.*] You include all those buildings and everything else in your figures?—Yes.

508. *Chairman.*] Can you state generally the rules by which the coal traffic on the Great Northern Railway is guided, with reference to fairness and equality, between different places which seek to send coals to London?—The Great Northern Railway is in immediate contact with the coal-field of the South Yorkshire district; there is a continuous run from this coal-field to London of 156 miles; we receive full trains of 160 or 170 tons, and we regulate our engines in accordance with the load which is to be carried. It is a known principle in the carriage of coals, that at the rates we charge, if we have not full trains, we carry at a loss; our regulations are such, that we carry at the rate of a halfpenny a ton per mile, from the fact that we can, with a powerful engine that we put there for the purpose, run to great distances, and take the empty waggons back as certain as the passenger trains run; but we cannot, at the same price, or with the same regularity, find waggons to carry at uncertain times from intermediate places, and from short distances.

Lunæ, 21° *die Februarii*, 1853.

MEMBERS PRESENT.

Mr. Cardwell.	Mr. Bright.
Mr. Monckton Milnes.	Mr. Laffan.
Mr. Strutt.	Mr. Evelyn Denison.
Mr. Labouchere.	Colonel Mure.
Mr. Wilson Patten.	

THE RIGHT HON. EDWARD CARDWELL IN THE CHAIR.

Seymour Clarke, Esq., called in; and further Examined.

S. Clarke, Esq.

21 February 1853.

Witness.] I WAS asked for Mr. Gladstone's award, which I have had copied; this is the copy.

[*The Witness delivered in the same, which is as follows:*]

MEMORANDUM of Award by the Right Honourable *W. E. Gladstone*, M.P.

IN matters referred to me by the Great Northern, London and North Western, and Midland Railway Companies jointly, having taken into consideration:

1. The several proposals of the parties:

2. The actual distribution of the traffic to and from London and the six towns comprised in the reference (A. B. C.):

3. The relative advantages now possessed by the Great Northern and the London and North Western *cum* Midland routes respectively:

4. Any changes in the balance of those advantages likely to occur, especially as respects the probable opening of the towns' line of the Great Northern before one year of the period to which the present award is to apply shall have expired; and,

5. The power possessed by the respective parties of inflicting reciprocal injuries either directly by measures of their own, or by means of their relations with other companies not parties to the present reference (which injuries it is the object of the arbitration to obviate), together with any such checks as opinion or the apprehension of Legislative interference may impose on the exercise of such power:

I have determined to award, that the traffic in goods and passengers between London and each of the six towns under-named, for the period from the 4th day of April last up to the 1st day of January 1856, shall be divided in the following manner between the parties of the first and second part in this arbitration respectively; and I have thus determined upon the assumption that the usual stipulations as to excess carried by either route, and as to any other points, will fall into the award, when regularly drawn, without raising fresh matter for dispute. And I use the terms goods and passenger traffic in the sense defined by the proposals of March 9th last.

PASSENGERS.

York	G. N. R.	80	per cent.	L. and N. W. and Midland		20	per cent.
Doncaster	„	95	„	„	„	5	„
Lincoln	„	85	„	„	„	15	„
Leeds	„	65	„	„	„	35	„
Sheffield	„	60	„	„	„	40	„
Wakefield	„	75	„	„	„	25	„

GOODS.

York	G. N. R.	75	per cent.	L. and N. W. and Midland		25	per cent.
Doncaster	„	90	„	„	„	10	„
Lincoln	„	70	„	„	„	30	„
Leeds	„	35	„	„	„	65	„
Sheffield	„	30	„	„	„	70	„
Wakefield	„	60	„	„	„	40	„

Hagley, 26 August 1851. (signed) *W. E. Gladstone.*

509. *Chairman.*] You spoke also of an arrrangement with the Eastern Counties Railway Company, is there any objection to put in a copy of that arrangement?—If the Committee call for it, it shall be put in. There was a question asked on Friday as to the expenses that were included in the 513,488*l.*, the

the expenses before the Act was obtained. As it is so many years since this expenditure took place, it has been put in one line to save trouble; but this is the detail of it made out 12 months ago.

(*The Witness delivered in the same, which is as follows:*)

ABSTRACT (A.)

Referred to in Statement of Receipts and Payments on Capital Account to 31st December 1851.

The Accounts transferred to one head, called "General Charges on Capital Account," are as follow; viz.—

As shown in Statement of Capital Account to 30th June 1851, laid before the Shareholders 26th August 1851.

			£.	s.	d.
Expenses preliminary to passing the Act			436,223	2	5
Expenses subsequent to the Act, viz.:					
Advertising, Printing, Postages, &c.			11,189	1	–
Office Expenses, Rent, Taxes, Miscellaneous, &c.	£. 7,996	19 1			
Less, expended on Religious Instruction Account	1,112	17 7			
			6,884	1	6
Travelling Expenses			3,572	4	4
Direction and Auditors			11,707	8	4
Salaries to Secretary, Officers, and Clerks			22,243	10	3
Admiralty Charges			501	19	–
Foss and Witham Navigation Account, being Loss up to the commencement of working the Railway			19,290	3	11
Police on Works in progress			2,023	4	11
Stamps for Mortgage Deeds			5,554	–	6
Insurance			124	8	–
Railway Rating Subscription			40	–	–
Railway Audit Commission			25	–	–
			519,378	4	2
Religious Instruction Fund, voted by the Shareholders at General Meetings, viz.: 13th August 1847	£. 100	– –			
" " "	400	– –			
28th February 1850	100	– –			
6th March 1851	200	– –			
			800	–	–
			520,178	4	2
Less Balances at the credit of the following Accounts, as per Capital Statement, 30th June 1851; viz.:					
Transfer Fees	£. 925	– –			
Original Direct Northern Railway Company, for Balance	2,981	10 10			
South Navigation—Amount of Profit to 31st December 1850, handed over by the East Lincolnshire Railway Company	2,911	16 9			
			6,818	7	7
Amount under the head of "General Charges on Capital Account," as per Statement, 31st December 1851	£.		513,359	16	7

In the accounts for this year we put "General Charges on Capital Account 513,388 *l.* 8 *s.* 7 *d.*;" it has been increased only 30 *l.* since twelvemonths ago.

510. You were describing to the Committee the nature of your arrangements with regard to the coal traffic; the general allegation of those who complain with regard to the arrangements on your line of the coal traffic is that seaborne coal, which comes upon your line for only a limited portion of the line, does not receive such good treatment at your hands as the coal which comes over a longer portion of your line receives?—Seaborne coal is a term which has been applied of late years to coal out of the Durham and Northumberland coal-field; if

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if it is a question whether those coals are carried on our line; I say that they are, because we take them on our line at York.

511. With regard to coal from Boston, or any other ports upon the coast which finds its way by railway, are you equally ready to afford facilities for the transit of that coal as for the transit of other coal which comes inland?—No; we are not able to give the same facilities for the transit of that coal, for the reason I gave on Friday last; that unless we carry full trains of coal, with engines of the power applicable to it, and unless we know that they are to run for a continuous distance, we cannot afford with any chance of profit to carry at the price we do; the whole secret of economy in the coal business is, that you should have a full load, and carry the coal for a distance that will develope the powers of the engine. The engine costs as much, or nearly as much, if it be standing still, as if it is running, and it would cost as much, or nearly as much, to bring coals from Boston as to bring them long distances; and from the small quantities that would be brought on at Boston, we could not carry the coal at the same rate as we can carry coal from the Yorkshire coal-fields.

512. Supposing a full train of coals were tendered to you at Boston, would you carry them at the same proportionate charge as you make in your ordinary coal trade?—No; because it could only be tendered at uncertain periods; the coal trade at Boston is such that it would not be continuous; it might suit a coal merchant there to send coals one day, and not to send them again for a week, and we could not therefore keep an engine running up and down the line, and get the same work out of it, as we can do in carrying the South Yorkshire coal, and consequently we should not be able to carry these coals at the same price as the others without loss.

513. You mean to represent that, supposing they tendered to you coal sufficient to fill your trains, and they carried on a regular trade, you would afford them accommodation equal to that which you afford to the parties in the South Yorkshire district?—If we could depend upon the same regularity in the sending of coals from Boston as from the South Yorkshire field, or any part where the coal merchants are in the habit of sending coals to us, we should be ready to give them equal accommodation.

514. There are no other considerations regarded by you but these: the longer the run for the coal, and the greater regularity with which the coal is supplied to you?—No; we are in no way interested in the coal; we are merely the carriers. It is a matter of indifference to us whether we carry the coals that come on to our line at Boston or at Doncaster or at York, so long as we can carry them under equally good circumstances; we are not at all interested in the South Yorkshire coal-field.

515. Mr. *Bright*.] Is it not to your advantage to induce coals to travel on your line for the longest distance?—Yes; for the reason I have given, it is to our advantage.

516. Therefore, in order to get that advantage, do you carry coal coming from a longer distance at less per ton than you would charge for coal from a shorter distance?—We do; we are now carrying coal from Doncaster to London at a halfpenny a ton per mile.

517. How much do you charge from York to London?—The same rate per mile; Doncaster is 156 miles from London; then there is an average of 17 or 18 miles into the South Yorkshire coal-field to get to the coal pits; so that if you add 17 miles to 156, you get very nearly the distance practically to York. There is another thing with regard to the carriage of coals from Boston; the Boston coal merchants are not owners of trucks, and we may employ the whole of our waggons, as we conceive, more beneficially to ourselves in running the longer distances; and we cannot, with any chance of success to our concern, send those coal waggons to Boston.

518. What is the distance from Boston to London?—One hundred and five miles; but there has never been any desire expressed on the part of the Boston coal merchants to send further south than Biggleswade.

519. Have they made complaints to your company that they have not been treated so liberally as the coal-owners in the north?—They have made the complaint that we have not carried the coals, and I have given the reason that I have now given.

520. Do you mean that you do not carry them at all, or that you do not carry them at a halfpenny a ton per mile?—We do not carry them at all, for we

we cannot find the waggons; if we are to carry the coals, it must be in such a way as will be beneficial to us. We find the waggons for those long distances, but we do not find waggons for the intermediate coal traffic.

521. *Chairman.*] Where parties find their own waggons, what do you charge per mile for taking the empty waggon back?—We charge 3 *d.* a mile per waggon.

522. Mr. *M. Milnes.*] Are there any arrangements of your company with other companies which would be considerably altered, or which would be facilitated, if the system of amalgamation was adopted?—Any arrangement that we have would be in no way facilitated by a system of amalgamation.

523. Have any instances occurred where your arrangements with other companies would have been facilitated by the establishment of some external authority to which you could appeal?—Very much so. I did not understand your question to refer to that. There have been many cases where we have had to go to a court of law, where, if there had been readier access to some tribunal, such as I referred to before, we should have been benefited very much.

524. Are those cases in which you consider that the arrangement made would be for the benefit of the public?—The cases have arisen very much in this way: arrangements have been made by other companies to prevent the public having an opportunity of using our line, and especially for long traffic. Of course no company can interfere with us to stop the traffic on our own line; but where the question arises of a transfer of traffic from the point where our line finishes to a line that we do not own, there the intervention of other companies has succeeded in throwing a great many impediments in the way of the travelling public.

525. Have you generally found the other companies ready to come to the most convenient arrangements, with reference to the combination of trains?—We have found this: that coming newly into the district, the Great Northern line being the last that was opened, the traffic, which would naturally, as we think, have flowed from the Western lines on to our line, has been prevented from coming; because, in anticipation of our line being opened, we find arrangements made which prevented the companies, which would otherwise, as we think, have run in combination with ourselves, from so running in combination.

526. Can you mention particular cases in which that has occurred?—I may mention the case of the Lancashire and Yorkshire Railway, which forms a continuation of our line up the Calder Valley.

527. Was that the case you alluded to the other day?—Yes, it was; but it is not the only one.

528. Will you mention any other cases?—There is the Manchester, Sheffield and Lincolnshire Railway, which forms a continuation from our district to the west. We had power to run to Sheffield; and we found, when we got to Sheffield, that arrangements were made which prevented our having free intercourse with the intermediate places between Sheffield and Manchester; and no person travelling upon our line, who wished to get along the natural continuation of it beyond Sheffield, where our line stopped, was able to do so.

529. Mr. *Bright.*] Do you mean that your trains at Sheffield were not met by the trains of the Manchester, Sheffield, and Lincolnshire Railway Company?—Yes; so that by the arrangement with that company the public are deprived of the convenience of having through tickets, or booking themselves at one place to come on to the other; there is the uncertainty of being carried on direct.

530. *Chairman.*] Supposing a person wanted to go from Peterborough to Manchester, what would be the most convenient way of going?—There are three ways he could go: by the Syston and Peterborough lines, by the North Western system; or he could go by the Great Northern line to Retford, and thence by the Manchester and Sheffield line; or he could go to Knottingley, and thence by the Manchester and Sheffield line to Manchester.

531. Are there equal facilities on all those lines for passengers going without any stoppage?—Yes; they are managed by lines in connexion with the North Western; the most direct way to Manchester is by way of Retford.

532. Have passengers going from Peterborough, by way of Retford, the same facilities for going on continuously that they have if they take the Syston and Peterborough line?—There is no great advantage in one way or the other.

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A man going from Peterborough to Manchester would find it difficult in any way to pitch upon trains which would carry him direct.

533. The instance I have selected is not, perhaps, a very good one; will you direct us to any instances which will illustrate the position that you were laying down?—I mean this: supposing a man wanted to go from London to Glossop or Mottram, those are two populous places; I do not mention Manchester, because the London and Manchester traffic naturally goes the other way; but there are intermediate places between Sheffield and Manchester, where the road is much shortened if you go by way of Peterborough, and Grantham and Retford, and Sheffield, to those places. Now the public have not the convenience of going on by the purchase of their tickets, nor have they the certainty of meeting a train when they get to the end of the journey as far as we can take them.

534. Have you considered what arrangements you would recommend Parliament to adopt for the purpose of insuring to the public those conveniences?—The only way in which, as it strikes me, that could be met is, that, by appeal to some such tribunal as you have mentioned, either the trains of the other line should meet to carry on the passengers and goods that these trains bring, or that they should themselves have the power of running on to this line, and carry the passengers and goods, so that the public convenience may not suffer at the place where they themselves finish the journey.

535. Mr. *M. Milnes.*] In that case, would there not be a danger that the interests of smaller lines, and the stations on those smaller lines, would be sacrificed to the through passengers who are coming long distances?—I do no think that could be the case, because I am not wishing to say that I think other companies should have the power of carrying on intermediate traffic locally over the line on which they run, but that the traffic commencing on their own line should not have to stop at the end of that line for want of some convenient mode of carrying it further. As regards traffic from a place on one line, to a place on another line, the first company should have the power of knowing that there was a train waiting to carry on that traffic, or they themselves should have the power of carrying it on.

536. Why could not that benefit be brought about by mutual arrangement?—Because of conflicting interests; and I cannot mention a better illustration of that, than in the case, which was referred to before, of the Nottingham traffic. Nottingham and Grantham are separated by a line of 24 miles; the traffic from Nottingham to London flows either through the intermediate places to Grantham, and thence to London, or by Kegworth and the North Western line. If that line were worked adversely to the interests of the Great Northern Railway Company, it would naturally follow that passengers could not get from Nottingham to London by way of the Great Northern line, or from any of the intermediate places, without delay at Grantham; because, if the trains over that branch were running in correspondence with the Great Northern trains, the Nottingham people would avail themselves of that means of getting to London, whereas, if a delay took place in their journey, of course they would go by way of Kegworth, and in the other direction.

537. *Chairman.*] The facilities to passengers of booking through, and going on without changing their luggage, are of great importance?—Yes.

538. Mr. *M. Milnes.*] Would the effect of an amalgamation of this kind, or of better arrangements between the companies, be to prevent new lines being made, by which the parts of the country which are not at present accommodated might be accommodated?—I think that the way in which new lines will be made, is by people locally interested themselves making the lines, unless it is the making of a long trunk line, which I think is not likely to take place now, as there are so many trunk lines throughout England; but the branches from the small towns to the main trunk lines will, in my opinion, be made by local people, and will be worked by the companies owning the long lines.

539. Mr. *W. Patten.*] From your experience, have the small lines to small towns been got up chiefly by local interest, or by the great railway companies?—Up to this time they have been got up by the great railway companies, and where they have been got up by local people they have been taken to by the great companies, and have become part of their whole system.

540. Do you not think that, under a system of amalgamation, a check would be put to that accommodation which is given by the great companies to more remote districts by the construction of small lines?—I think that under amalgamation

mation there would be fewer short lines made; and that, in the event of those amalgamations taking place, the public interests would require that there should be a power in some department to compel the large companies to work those short lines, in the event of their being made by local interest.

541. Mr. *M. Milnes.*] Have not the difficulties you have had with the Manchester, Sheffield, and Lincolnshire Railway Company been an important element in your desire to make the line from Doncaster to Gainsborough?—The Axholme line, to which you refer, was intended to be the completion of our loop line when the line to Gainsborough is finished, so as to bring it across that flat country into Doncaster without the intervention of the Manchester, Sheffield, and Lincolnshire Railway Company.

542. Mr. *W. Patten.*] What do you believe to have been the motive chiefly influencing railway companies hitherto in the making of short lines?—A desire that the traffic of those towns to which those short lines were made should go to their own line.

543. As opposed to some other company taking it?—Yes.

544. Do you think that that inducement would exist to the same extent if amalgamations took place?—I think it would not.

545. Mr. *E. Denison.*] Supposing that Parliament were to propose no general principle of legislation respecting railway amalgamation, but were to permit certain proposed amalgamations to go forward, do you think that it would be necessary that there should be some superintending tribunal to which appeals could go, and that that tribunal should have considerable power in making arrangements for the public convenience?—I think, that if these large amalgamations are granted, the smaller companies must have the security of applying next session, or at some no distant period, to follow the same rule of amalgamating themselves; because this large capital of fifty millions, which is the figure of the contemplated capital of the Midland and North Western Railway Companies, forms such an immense mass to deal with, that you will find the smaller cross line companies will eventually be swallowed up by them.

546. But supposing the smaller companies not to follow the example of forming amalgamations among themselves, that would not secure to them the power of acting in concert with the great lines, if the great lines did not desire it, unless there was some authority to appeal to?—I mean that the smaller lines will, like drops of water, be swallowed up by the amalgamated companies. I did not mean that there would be an amalgamation of the smaller companies among themselves.

547. In that case, would not the public interests require that there should be some superintending authority to see that the public had good and necessary accommodation?—I think the result of those large amalgamations will be to deprive the public of conveniences which they now have.

548. Then if the public wish to retain the conveniences which they now possess, even without obtaining any additional convenience, you think that, in the case of amalgamations, there must be some authority to secure to the public what they have already?—I think so.

549. Supposing that even no amalgamations should take place, but that things should be left pretty much as they are now, with the power of companies to make mutual agreements, do you think that some greater power in that central authority would be desirable to ensure working arrangements being made for the convenience of the public?—I do not think any permanent amalgamations will be made in the way of working arrangements, unless you sanction them by those Bills which are now before you; because none of the present working arrangements, in my way of thinking, would hold water if they were put to the test.

550. *Chairman.*] You mean that they would not be valid if taken into the Court of Chancery?—No, I think not; another company might take them into the Court of Chancery, if they considered that those working arrangements were such as to entail inconvenience to the public in preventing the traffic coming on their line.

551. You had an arrangement with the East Anglian Company, which was taken into the Court of Chancery and dissolved?—Yes; and also an arrangement with the Ambergate Company, which was taken into the Court of Chancery and dissolved; and the South Yorkshire Railway Company made an arrangement with us, and they have taken that into the Court of Chancery, with a view to dissolve it.

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552. Mr. *E. Denison.*] You say that the arrangement that you came to with the Ambergate Company was dissolved by an injunction. If the directors and the shareholders of the Ambergate Company had been willing to co-operate with you, how could any Court prevent your running your trains as you thought fit, and making any arrangement you pleased?—With regard to the Ambergate Company the thing stood in this way: this being a line running across the country from Nottingham to Grantham, there was a wish on the part of this little company to put itself into the hands of either the Midland Railway Company or of the Great Northern Railway Company, and the Great Northern Railway Company had made an arrangement with them, by which they guaranteed them four per cent.; the Midland Company made a similar offer, and the proprietors in the Midland interest obtained an injunction to prevent our arrangement being carried into effect.

553. The case which I put to you was not a case where there might be a conflicting question; but supposing that the interests of the directors and the proprietors of the Ambergate Railway were of one mind, and that they were desirous to act with you, could any court of law, as constituted at present, interfere to prevent your arrangement being carried into effect, as far as regards running trains, and so on?—The opposition occurred in this way: the Midland Railway Company, owning the last two miles from a place called Colwick into Nottingham, interposed to prevent the Great Northern Company's traffic from going to Nottingham by the intervention of the Ambergate line, though it passed over the whole of the Ambergate line; and they applied to the Court of Chancery to stop the carriages of the Great Northern Company, which carried the through traffic, from going into the station at Nottingham; and that injunction was not granted.

554. Mr. *Strutt.*] Was not the question this: the Ambergate Company had a right to carry the through passenger traffic into the station at Nottingham, but they had no right to carry into that station the carriages of the Great Northern Railway Company?—Yes; that was the point raised by the Midland Railway Company, but they did not succeed in their application for an injunction on that point; the only point on which they succeeded was that in the General Railway Act there is a clause, which gives the right of inspection of the engines that work upon the line; and that an engine of ours had been working on their line without having been subjected to this inspection. The Vice-Chancellor said that he could not interfere in the way they asked him to do, but that under that clause a reasonable notice must be given to the Midland Company that such and such engines were going to work over their line. There were two and a half miles of the Midland line into Nottingham over which we ran.

555. Mr. *M. Milnes.*] In cases such as frequently occur, where the interests of the company are not coincident with the interests of the public, such, for instance, as the stoppage of fast trains at places where there is very small traffic, and where the chance of one or two passengers hardly pays for the additional expense and trouble, would you desire that this court of appeal should be able to decide between the interests of the public and those of the company?—I think that is a thing which would be wisely brought under it. No doubt a court of appeal of this sort would look at the expense, and the interests of the company, at the same time that it would desire to give facilities to the public.

556. *Chairman.*] Do not these small companies put themselves up to the highest bidder when they are between two great companies?—Yes, that is very much the practice.

557. Supposing Parliament to sanction the amalgamation of great lines, without instituting any of those protective powers which you contemplate, would not the position of the smaller companies, whose lines ran into those great lines, be very much prejudiced; would it not be in the power of the amalgamated companies so to conduct their traffic as really to shut up the smaller lines, and to make those smaller lines come into any terms which the great companies thought proper to dictate?—Yes; and if a short line were shut up, or worked inconveniently, not only the small company, but the public, would suffer very materially indeed.

558. Are you prepared to state to the Committee generally what course you think Parliament should pursue with regard to amalgamations?—I think if amalgamation is granted by Parliament there should be some protective clauses which

which would enable this tribunal of which I spoke to decide between the public and those amalgamated companies as to whether facility should be afforded them. I mean, either that they should be bound to have trains to carry on the traffic that is brought to certain points to get into their system, or that the companies bringing the traffic to such points should have the power to carry it on further, over the short line that belonged to the amalgamated company.

559. Is it not your opinion that, if judicions arrangements were made, it would be for the interest of the short lines that amalgamations should be made, because it would then be more to the interest of the great companies to draw the traffic in to themselves?—It is rather a difficult question to decide as to what the position of those small companies would be; my opinion is, that the small companies themselves would be damaged to the extent that the public would also be damaged.

560. Mr. *Bright.*] Would not the result be that those small companies would inevitably be merged in the large system?—I think so; but the Chairman is contemplating that they will not be so merged; if they become one body, of course they will rise and fall with the concern in its amalgamated state.

561. *Chairman.*] Will not justice to the smaller companies require that their interests should be considered now, before the great amalgamation is effected, rather than they should be postponed until the time when, that amalgamation having been accomplished, the smaller companies are comparatively powerless?—I think so.

562. What you contemplate is, not that the smaller companies should run their traffic over the longer lines, but that at the points of junction such facilities should be given, by the trains of the trunk line, as would fairly develope the lateral traffic of the smaller lines?—Yes.

563. Mr. *W. Patten.*] You do not propose that power should be given to the small lines to run their traffic the whole way along the long lines of the companies promoting those lines?—No, certainly not; I merely mean this, that as regards lines which form a connection between the several districts of England, there should be a power which should enable the public to pass over those lines, either by the trains belonging to the companies being in correspondence with each other, or by the larger companies which bring up the traffic having power to run over those other lines, and deliver up the traffic at the other ends of the lines.

564. *Chairman.*] As you have negatived the idea of a foreign train taking up local traffic on a line over which it runs, you have rendered it impossible that the short lines should carry traffic to London?—I think that there should be local trains running over the lines to do the local business; when I say local traffic, I mean traffic that begins and finishes on the railway itself; but if it were agreeable to those companies, there would be no difficulty in the long trains, as they passed on, stopping to pick up the foreign local traffic.

565. But as a foreign line would, according to your view, have no right to take up the local traffic on the line over which it ran, it could not maintain an effectual competition with that line; take, for instance, a line which might come into your line north of Peterborough; the right to that company to carry their traffic through to London, if they were not permitted to pick up the local traffic at your stations, would not enable them to compete with you, who had that power, and could therefore of course carry your traffic more economically?—It could not be contemplated that a small company should have the power to carry local traffic over a long line.

566. What you contemplate is, that fair play should be given to the companies, in order to enable them to develope their lateral traffic at the points of junction?—Exactly; there should be some power to require that.

567. Then, on the whole, do you recommend Parliament to grant amalgamation, with such a power as you have referred to being reserved?—No; I would rather see the power to amalgamate refused.

568. The power to amalgamate being refused, would you give this power of which you have spoken, or would you then leave matters to take their present course, and withhold the amalgamation and also withhold this power?—My idea of the whole subject is, that there should be a geographical division of the country, with some power attaching to a tribunal, which should be accessible to the public, to require that the traffic that went from one geographical division to another should be carried through without delay.

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569. Have you so far considered the question of territorial divisions that you would be prepared, taking the map, to give the Committee an idea of the divisions into which the country should be parcelled?—Yes, and I have looked at it, and I think seven divisions would about divide the country into the most satisfactory state for the public.

570. In short, you propose to re-establish the Heptarchy?—Yes; but not with the same boundaries.

571. Will you be good enough to describe the limits of your Heptarchy?—I have taken Scotland as one; the line that would be formed between Glasgow and Edinburgh should be the southern division of Scotland for the purposes of railway traffic. In coming south the Great Northern and the East Coast should form a district; the North Western and the Western Coast should form a district; the Eastern Counties should form another district; the South Coast another district; and the Great Western to the Land's End, another; and Wales a district of its own.

572. Mr. *Bright*.] In the North Western you include the Midland?—I am not at all regarding the present termini of the lines; but no doubt part of the Midland would be included in that district.

573. *Chairman*.] Can you define the line along which the division of the east and west jurisdictions would pass?—I conceive that there would be many towns on this geographical boundary which would require to be divided in the same way as Mr. Gladstone divided the traffic of the towns between the Great Northern and the Midland Railway Companies; for instance, the through traffic of Edinburgh and Glasgow should be divided. On the imaginary boundary between the Great Northern and the North Western, several large towns would occur; in the same way as large trees in a hedge-row would have to be divided, in case the hedge-row were taken as a division.

574. How would that affect the public interest, supposing parties who resided to the east of that imaginary line to communicate with some place lying on the west of it?—I think that case would be met by those local lines being formed by the influence of the inhabitants of the neighbourhood, and there should be some power which should require the companies to work those lines, when they were made, conveniently for the public interests.

575. Does it not often happen, under the present system, that a small branch is absolutely unremunerative, if you are merely to count the traffic on the branch itself; but if you calculate the number of passengers who travel upon that branch, and travel also a long distance on the trunk line, then, in the result, it is an advantageous investment to the proprietors of the trunk line?—Yes, in many cases that is so.

576. Then, if the country were parcelled out into divisions in the manner you propose, and it were left to local persons to make those branch lines for themselves, the company, who would not incur the outlay necessary for making the line, would have the remunerative part of the investment, and the unremunerative part would be left to local persons?—Yes; but I do not contemplate that those lines would be worked at all by the parties who made them, but the large companies into which they ran should be obliged to find the necessary plant to work them.

577. Do you mean that the central tribunal, to which you propose reference should be had in cases of difficulty and dispute, should so far deal with the financial interests of the company as to be empowered to form a calculation or estimate of the probable advantage of the traffic to the trunk line, and therefore compel them to make such working arrangements as might appear to such board to be fair in regard to that short branch?—I contemplate that the only way in which such divisions could be made, would, in the first instance, be by some commission of gentlemen of high standing in the country, and that their functions should cease as soon as the country was parcelled out into divisions; but that a smaller tribunal, which should always be in existence as a court of appeal, should have the power of determining how those small branches, when made, should be worked.

578. I wish to bring you to the exact point, in order that we may know the limits of the power you propose to intrust to this central authority. Supposing, in the northern part of your line, there was a small agricultural branch proposed, and that it was quite manifest that the working the traffic over that branch could not possibly be remunerative, but that if the goods and passengers were supposed

supposed to go over the trunk line for long distances the traffic would then become highly remunerative to the trunk line, would you propose to intrust this central authority with power to form an estimate of the exact merits of that case, and to compel you to contribute working power to the branch line, upon such terms as appeared to them to be fair between you?—I think it would have to come to that.

579. Would not that be a very large power for a central board to exercise with the financial interests of great companies?—It is a very large question altogether, and very difficult to deal with; but I think that that is not more difficult than many points that will arise before the Committee.

580. If it were proposed by the companies to accept such a power by a voluntary arrangement, then at least one difficulty would be got over, because it would be a voluntary arrangement on the part of the great companies; but, as I understand you, you propose to parcel out the country into these divisions; you propose to give this power over the companies whether they consent to it or not?—Yes, that must, in my opinion, be part of the system, if it is to be adopted.

581. Do not you think that any company, which might consider itself a loser by the parcelling out of the country, would have a strong case to urge against additional loss, by being obliged to work all the branch lines which the Board of Trade might think proper to sanction, and upon any terms that the Board of Trade might think fit to impose?—It is impossible that this or any other question can be settled without dissatisfying somebody.

582. But you admit that that objection, whether superable or insuperable, is an objection to the scheme you propose?—If the country were divided, and the companies were placed in possession of these districts, they would, I think, be bound to recognise the public convenience so far as to submit to the decisions of such a tribunal as we contemplate.

583. Mr. *W. Patten.*] Would it not be hard to affect the interests of a remunerative company, by amalgamating them with a company which was not remunerative?—That would be part of the original scheme which the commission that would have to parcel out the country would have to take into consideration.

514. Mr. *Bright.*] Do you mean that, when this division of the country has taken place, the large railway company within each district should have thenceforth an absolute monopoly of that territory, and that Parliament should not grant new lines in competition with them?—I think so.

585. You conceive, then, that if Parliament took such large powers of dealing with the capital and interests of those companies, the great companies should have, as compensation given to them, the absolute monopoly over the district in which they ran?—You may be quite sure that no new lines would be made where amalgamation took place. Supposing the large amalgamations that are before Parliament were to be granted, I believe that you would never have new lines except as branch lines running into them.

586. Supposing the old Direct London and Manchester Railway, which was once before Parliament, were to be revived, seeing that there is too much traffic already upon the North Western Railway, if the North Western Railway had this district between London and Manchester granted to it under the scheme you speak of, such a line could not be revived, because Parliament could not consent to it?—No.

587. If things remain as they are, cannot you conceive the possibility of another trunk line being made from that portion of the district to London?—I cannot contemplate it.

588. Mr. *M. Milnes.*] Do you think the present trunk lines are so well devised, and so completely satisfy the reasonable wants of the public, that, supposing a considerable cheapening of the working of railways, and a considerable increase of both traffic and passengers, no large extension of the trunk lines would be required by the public?—If you take the railway map and look at it, I think you cannot find a place in it for another trunk line. I do not say that all the trunk lines are well laid out; but taking things as they are, I do not think you will find room for another trunk line in England.

589. Do not you think the effect of such a power as that, would be to prevent the present trunk lines improving themselves in the manner that they would be forced to do by competition; take, for instance, the part of the country which I happen to know, where a line has been ill laid out at Bawtry, where the incline and the curve are such that it is said to be very difficult to stop the trains at a point

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point that may become an important junction; do not you think that such a monopoly as this would tend to prevent such an evil as that from being remedied as it might be by improving the line?—No, I do not think so; if the country was divided into districts, I think it would be to the interest of the owners of those districts, for the purposes of the public traffic, to develope the traffic to the utmost to which it was capable of being developed.

590. You think that you are authorised to say, from your experience, that railroads have been conducted on such generous and far-seeing principles, that the interests of the public have been in the main always considered?—Yes, in the main; but the time has come when the interests of the public will have to be more considered.

591. Mr. *Bright.*] From what you have said, the Committee understand that you yourself see very considerable difficulties in any general legislation upon this subject?—I admit candidly that it is a very difficult subject to deal with, but that it can be dealt with I have no doubt.

592. Supposing the Committee does not see its way to recommend what is called general legislation, to divide the country into these districts, and to give monopolies to the great companies, in fact, to do any of those great things which have been recommended in certain quarters, what have you to say with reference to the result of going on as we are?—I think for a time there will be certain working arrangements made, which will amount to amalgamations.

593. What will occur after that?—Then the companies will have to come to Parliament again, and I think that the matter will have to be settled by Parliament one day or another.

594. Then you conceive that the question of amalgamations cannot be for any long time postponed, but that amalgamations must take place in one way or another?—I think that they will take place partially, but in such a way that they could be upset if they were brought before a court of law, and that general amalgamations will not take place very speedily.

595. Do you think that the public understand railways better, and that railways understand the public better, and that a more intelligible management of those great concerns is gradually taking place?—They certainly are progressing. I think each year they are becoming better than in the preceding year.

596. Supposing that the whole matter was left to run its own course, I speak with reference to those great amalgamations, and that Parliament did not do anything with regard to them, but that they allowed certain minor amalgamations to take place, keeping the larger companies disconnected as they are now; do you consider that the companies or the public would very materially suffer?—I do not see how you can lay down a law for the small companies, and not for the large ones.

597. If your company were to come to ask that a line 12 or 20 miles long, which ran into your line, should be amalgamated with you, that would be a different case from your coming here, and asking to be amalgamated with the London and North Western Company. Parliament might consent to the first amalgamation, being a matter of comparatively small importance, but they might refuse to grant the other amalgamation, on the ground that it would be better to wait for some years before anything on that subject is done?—I quite agree that the cases are very different in fact, though the same principle may be involved in both.

598. Nobody, I apprehend, objects to amalgamation on principle, but the objection is to the consequences of allowing such enormous establishments to become still more enormous; what I wish to know is, supposing we are not able to recommend anything, what should you say, as a practised railway manager, after having had your attention for 20 years turned almost exclusively to this subject, are the evils to which we are to look forward; and is it, in your opinion, worth while to run the hazard of a dangerous interference with this matter, when things are going on pretty well, and are rather improving, and there may be no occasion whatever for legislation?—If you did not sanction amalgamations, under certain restrictions, I think you would find larger working arrangements than have been hitherto contemplated made between railway companies.

599. That would show that those working arrangements and amalgamations are very useful to the companies, and perhaps to the public?—They are useful, not to the railway companies generally, but to the companies that make the working arrangements, and to that extent I think the public suffer.

600. *Chairman.*]

600. *Chairman.*] Is your distinction quite accurate between a great amalgamation and a small amalgamation. Does it not sometimes occur, that a very small link in a line of communication is really the key of the country, and that, if you allow that small amalgamation to be made, you are really delivering the whole country into the hands of the company with which that small amalgamation takes place?—There is this distinction, that the great feature in these large amalgamations is, the immense capital you are bringing into one concern.

601. But is there not another feature, namely this: that by allowing certain arrangements to be made, you are virtually giving to a company the whole key of the district, and excluding all other companies?—Yes; then you come back to the question of geographical divisions.

602. You said, in answer to a former question, that it would be easy to draw a wide distinction between great amalgamations and small amalgamations. In the practical effect, may it not frequently happen that amalgamating a small link to a great company, may be conveying to that great company the key of the whole district?—To a certain extent it may be so, but I do not at this moment remember any instance where that would occur.

603. Do you not consider that, by one means or another, whether with the sanction of Parliament, or without it, self-interest will teach the whole railway interest to amalgamate?—If you sanction the amalgamation of the two large companies which are now applying to you for amalgamation, I believe that that will be followed in a Session or two by so many applications from other companies, that the whole kingdom will become one large railway interest.

604. Supposing we do not sanction amalgamation, do not you think that by means of working arrangements, and private understandings, the different companies will eventually combine to get rid of the competition, which is injuring their financial position?—I think those arrangements which are now contemplated will be capable of being broken through, if they are found to work injuriously for the public, whilst an amalgamation granted by Parliament could not be broken through.

605. At present some of the trunk lines being comparatively new, and others having established themselves in the district, the battle has not been fought out, and they have not yet measured their respective strength; but do you not think that, as soon as each company knows its own strength, the result will be an arrangement by which the traffic will be divided, and, as far as the travelling public are concerned, all the consequences of amalgamation will ensue?—All the consequences of amalgamation will not ensue, I think; but I have no doubt that large sources of traffic to which one or two companies run will be practically divided, in the same way that Mr. Gladstone divided between the Great Northern and the Midland Railway Companies the traffic of the six towns that were referred to him.

606. The principle of running clauses that you have advocated would really extend the power of each company very widely into the territory of its neighbour, would it not?—The clauses which I have endeavoured to advocate would have the effect of preventing the public] being stopped at a point where a cross line, which was the property of another company, joined the line of the company that first carried the traffic, and would enable the company which first carried the traffic to carry it on into the district where it wanted to go.

607. And that right being once established as regards the public, if there were no machinery to carry it out, the next consequence would be, the division of traffic receipts among the respective companies, and there would be no necessary interest in any of those companies to provide the public with lines of route; because the arrangement would be, that, let the traffic be taken by whichever route it would, a certain ascertained division of the profits was to be made among the companies?—Yes, but the effect which those running powers would have, would be to destroy, where it acts against the public interests, the effect of binding working arrangements between existing companies whereby the traffic is compulsorily taken in a circuitous route, when it would go by a more direct one if those binding arrangements did not exist.

608. Might not the effect of those running powers be merely this: that the company which should possess them would use them as an item in the account, in settling terms of arrangement with other companies; that they would not really call them into operation at all, but would say to the other company, when the partition of the traffic was in debate, "We claim to have a certain

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portion of the traffic of a particular town, because we have running powers which would enable us, if we chose to use them, to take the traffic of that town?"—It would give the power to the public to go by the shorter line.

609. In fact, it would enable the company to waive the power for some consideration in the bargain, but it does not follow that the public would derive any benefit from such a power being granted?—But there would be authority in this tribunal, of which we have spoken, to enforce the company who had obtained those powers to carry them out.

610. Then the remedy to which, in all these cases, you point, is a very stringent power vested in some central body?—Yes.

611. Mr. *Labouchere.*] You stated that, under the system that you propose, it would be necessary that this central authority should have the power, in the first instance, of making arrangements with regard to points of junction and other questions in which those branch lines and the main lines came in conflict; would it not be also necessary, that that central authority should have the power of constantly supervising those arrangements, and seeing that they were practically carried into effect?—I think that this tribunal should be a court of appeal in case of any complaint.

612. Will it not be necessary to give very great power in that case to this central authority?—It would, in order to make it of any practical good.

613. You think it would not be sufficient to give a power, such as now exists in the Board of Trade, of bringing an action against a railway company, where, as they conceive, the company have contravened the Act of Parliament?—No, because the process is so slow. In the case of the Ambergate Company, which has been named several times, and therefore I may be pardoned for alluding to it again, the Midland Railway Company have in their possession now the engine, worked by the Ambergate Company, which they hired of the Great Northern Railway Company. The Midland Company seized that engine, under a power which they considered the General Railway Act gave them, and that engine they have stowed away in the ground floor of a granary, and there it is now, waiting the result of the action to be brought by the Ambergate Company against the Midland Company, for the restitution of that engine. It is six months ago since that engine was seized.

614. Would not a power such as you have described imply a good deal of minute interference, on the part of the central authority, with the working of any railway company?—Yes, I quite admit that it would be a difficult matter.

615. Do you not think that it would be inconvenient, and would be objected to on the part of the railway company?—I think it would be objected to.

616. But still it is, in your opinion, a necessary power?—Yes.

617. And you think that the public would not, without that power, be effectually protected against the large powers given to those railway companies?—I think not.

618. Mr. *Bright.*] Would you allow the Board of Trade, or this central authority, to make orders and bye-laws, and establish them as positive regulations, somewhat in the same manner that the Poor Law Board can do?—I think they should not make laws to meet individual cases; they should be bound by some general system.

619. Do you think it would be possible, in the clauses of an Act of Parliament reaching nearly the length of your line, to insert positive enactments with regard to every possible case of grievance that might arise between one company and another, or between them and the public?—No; a system of rules which would meet all the various points that exist in the minds of railway companies, to disturb the arrangements that are made, and to prevent agreements being fully carried out, would be a more difficult matter than anything else that could by possibility be framed; it would not be possible to sit down and arrange a set of laws which would meet every case of this sort. Instances of this kind occur, supposing the traffic were divided between the companies in the way that I have suggested as regards the towns along the imaginary boundary, it would have to be decided how the traffic of those different towns ought to be divided. That would be done in some such way as Mr. Gladstone did it in settling the matter between the Great Northern and Midland Railway Companies, as embodied in the paper that I have given in. But the modes of evading that award are so various, that no man unacquainted with railway matters would have any idea of them.

620. Mr. *Labouchere.*] Then it would be necessary to have a superintending power

power which should not only lay down certain general principles, but should watch over all the details, to see that those general principles were carried out *bonâ fide* and effectually by the companies?—It should not, according to my view, be a body that should voluntarily interfere, but it should be a court of appeal that should have power to redress grievances brought before them; and it would be the business of this tribunal to inquire into the various circumstances, and decide accordingly.

621. Do you think that, if this central authority appointed, as an arbitrator, a gentleman of known character and experience on those subjects, that that gentleman might solve all those difficulties?—He could not do so without hearing evidence on both sides.

622. But after having heard the evidence on both sides, do you think he could satisfactorily perform this duty in cases of dispute, and see that the intentions of the Legislature were fairly carried into effect between the parties?—I have no doubt of it, because it is a common sense affair after all.

623. Mr. *Bright.*] If there be such a number and variety in these points of difference, and to meet them all no clauses in Acts of Parliament can be framed, what is to be the power to enforce them?—Some such power should be given to this tribunal of which we have spoken.

624. Then is the Committee to understand that, according to your view, this neetral tribunal is to take up all those questions as they arise, and arbitrarily decide them?—Yes.

625. When the decision of this board was against the railway companies, and their interference, for the interference would be as often on behalf of the public as on behalf of the companies, was found by the railway companies to be contrary to their apparent interest, do you think the board would be popular with the railway companies and would work advantageously?—I think, as the railway companies deal better with the public than the public with the railway companies, the balance would be in favour of the railway companies.

626. Is it certain that, if there is no legislation on the subject, working arrangements between railway companies and virtual amalgamations will take place?—I think so.

627. If Parliament consent to the amalgamation proposed by the Midland and North Western railway Companies in two or three years, other amalgamations will take place?—Yes, I think so.

628. Therefore, whether anything is done or not by Parliament, amalgamations are almost inevitable?—Yes, but not in the same degree. If you grant the amalgamations which are applied for this Session the others are inevitable; but if you do not sanction this amalgamation which is now brought before you, the thing will not be so complete but that, if it is found to work unsatisfactorily to the public, they will have the means of overturning it.

629. Is it an inevitable condition of your scheme that, if the amalgamations are permitted, or even if they are not permitted, certain companies shall be given the absolute possession of certain districts, and that every district shall for all time remain in those companies?—There are main lines already made for the convenience of the public, and short lines coming into those main lines; if there are other main lines made, there will not be traffic to support them, and they will not be properly worked, and there will be a loss instead of a gain.

630. Are you aware that the county of Lancaster, since the Manchester and Liverpool Railway was opened, and, in fact, from a period three or four years subsequent to that, has increased its population by 700,000 persons, and if you can imagine a corresponding increase in the next 20 years, do not you think it is highly probable that another line from Lancashire to London will be required to be made?—I cannot conceive it.

631. We are speaking of Lancashire; but probably in many parts of Cheshire, and also in the West Riding of Yorkshire, the population is increasing at an equal rate?—There are now outlets sufficient from the county of Lancashire for all the traffic that can be contemplated to be carried in every direction.

632. Do you think that any great increase in goods and passenger traffic can take place on the existing lines with safety to the public?—I think it will come to this, that the companies will have to seek power to put down more lines over the populous part of the district.

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633. Might it not be a question, on which a good deal might be said on both sides, that another line, if a new company were disposed to make it, might be more advantageous to the public than four lines of rails on the existing line?—In some cases it might be more advantageous, and in others less so; because the way in which these lines have been made has been by touching the large towns, rather than making the straightest route. There cannot be a doubt that a straighter route might be made between London and Manchester, but then the important towns between the termini must be left out.

634. Supposing it were contemplated to make a direct line from London to Manchester and Liverpool, running to the most advantageous point from which to branch off to the two places that would bring the whole of the foreign traffic that came up to London, and it would bring the whole of the Lancashire traffic; do you think it advisable to shut up the whole of the traffic for ever in the hands of the existing company, and preclude any future company from making such a line?—I think the North Western Railway is not the only route to London; if the public found that the extent of the traffic was such that it could not be carried by the North Western line, there would be no difficulty in sending it, for instance, by the Shrewsbury line.

635. But you need not be told that it is a very unpleasant business to get across the Mersey for a private passenger travelling with his own carriage and horses, and that there are certain days in the year, or rather uncertain days in the year, when it is impossible to get across at all?—That applies only to Liverpool, and not to Manchester.

636. But they bring more passengers from Liverpool?—When the traffic is more developed, they will bring more from Manchester.

637. Do you think it advisable that that district should be shut up in the hands of a company, and that they should have an absolute monopoly henceforth, and that none of the capital of Liverpool and Manchester, or elsewhere, should have a right to make a line through the district?—I do not think it would pay.

638. But that is not the question; but do you think that parties should be precluded from making such a line?—I think it would not be advisable; a geographical division of the country is, in my opinion, the scheme most likely to promote the public good.

639. *Chairman.*] Will you describe the imaginary line which separates the district of the Great Northern from the district of the North Western Railway, in your proposed division of the country?—I would start by a division of the through traffic of Glasgow and Edinburgh; I would then take a line in the centre, as nearly as possible between the two lines of the Caledonian and the main line of the York and Berwick to Bradford; and I would then take it by Huddersfield to Sheffield and Barnsley, and to Nottingham, and thence to Bedford, and south to London.

Charles Mitchell, Esq., called in; and Examined.

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640. *Chairman.*] YOU are Agent for the Duke of Bridgewater's trustees at Stockton Quay, near Warrington?—I am.

641. How many miles of canal are under that trust?—Between 40 and 50 miles is the length of the Bridgewater Canal, and the Mersey and Irwell is about 30 miles.

642. Is the Mersey and Irwell part of your system?—It is.

643. You of course communicate with other canals, whose traffic runs into yours?—Yes.

644. You were present on Friday, when Mr. Pixton was examined, and when a petition, which had been referred to the Committee, was read upon the subject of the amalgamation of links in the canal communication with railway companies?—Yes.

645. Have you any statement to make upon that subject?—I have prepared a paper upon that subject.

646. Will you be so good as to read it?

[*The Witness read the same, as follows:*]

MEMORANDUM.

MEMORANDUM.

IN the year 1766 an Act of Parliament was granted to cut a canal from the River Trent to the River Mersey, about 98 miles; that part of the undertaking lying between Preston Brook and Runcorn (about five miles) was completed by the Duke of Bridgewater, at his own expense.

The late Duke of Bridgewater and his trustees have formed extensive dock accommodation at Runcorn, and erected large warehouses at Preston Brook and Runcorn for the traffic passing over the Trent and Mersey Canal, although only five miles belong to them.

Terminal accommodation, such as dockage, wharfage, warehouses, &c., have also been provided by the Bridgewater trustees in Liverpool, for the traffic using the Trent and Mersey Canal.

Warehouses have also been provided in Manchester by the Bridgewater trustees for the carriers and trade on the Trent and Mersey Canal. In this case the trustees receive 24 miles toll against 93 by the Trent and Mersey Canal.

The formation of these canals, in connexion with others, as the Grand Junction Canal, made the inland water communication of the country complete between the following places:

London and Manchester and Liverpool;
London and Birmingham and the Staffordshire Potteries;
Liverpool and Manchester, and Birmingham;
Liverpool and Manchester and Bristol, and the West of England;
Liverpool and Manchester and Derby, Hull, and the Midland Counties;

whereby an extensive traffic between the manufacturing districts of the kingdom and the several ports of London, Liverpool, Bristol, &c., has been created and established; and although the London and North Western Railway has been in operation about 17 years, there is now a traffic on the canal passing between the Bridgewater Canal and the Trent and Mersey Canal, at Preston Brook, of upwards of 1,000 tons per day, showing that the public avail themselves of the canals for the transit of their goods, which consist of manufactured goods, cotton, hardware, sugar, tea, groceries, grain, timber, iron, slates, china clay, earthenware, &c., &c.

The above traffic now passes the following distances along the Trent and Mersey Canal:

That between	London and Liverpool and Manchester	67 miles
Ditto	London and the Staffordshire Potteries	32 „
Ditto	Liverpool and Manchester and Birmingham and Wolverhampton	54 „
Ditto	Liverpool and Manchester and Derby and the Midland Counties	93 „
Ditto	Liverpool and Manchester and the Staffordshire Potteries	30 „

The London and North Western Railway Company have a direct and throughout railway communication between the above places, except Derby, and are now competing in opposition to the canals for this traffic.

In the event of an amalgamation with the North Staffordshire Railway, the directors would have a great inducement to close the Trent and Mersey Canal virtually to the carriers and the public, and to divert the trade from the comparatively short distance by canal to the greater distance by their own railway.

The following shows the distance by the two routes, both of which would be in the hands of the London and North Western Railway Company, and under their management, if Parliament pass the Bill:

	Mileage by Railway.	Mileage by Canal.
Between London and Liverpool	201	67
Ditto ditto „ Manchester	188	67
Ditto ditto „ The Staffordshire Potteries	146	32
Ditto Liverpool „ ditto ditto	56	30
Ditto Manchester „ Birmingham	85	54
Ditto ditto „ Wolverhampton	71	54
Ditto Liverpool „ Birmingham	98	54
Ditto ditto „ Wolverhampton	84	54

The policy hitherto adopted by the London and North Western Railway Company, whenever they obtain control over a competing canal, has been to divert the trade from the canal to the railway. In the case under consideration, the effect upon those canals which join the Trent and Mersey, north and south, would be most injurious, and the loss to the owners cannot be estimated. The carriers would be driven out of the trade altogether, and the public would be at the mercy of the London and North Western Railway Company as to

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to the rates of freight, and the accommodation afforded to the traffic of the country. I may refer to the Huddersfield Canal, the Leeds and Liverpool Canal, and the Birmingham Canal.

I do not know what the nature of the arrangement is with the London and North Western Railway Company and the Birmingham Canal; but on comparing the rates of toll charged upon iron, I find the following are the rates north of Birmingham:

On the Birmingham Canal - - - -	1 ½ *d.*	per ton	per mile.
Ditto Staffordshire and Worcestershire Canal -	- ½ *d.*	„	„
Ditto Trent and Mersey Canal - - - -	- ½ *d.*	„	„
Ditto Bridgewater Canal - - - -	- ½ *d.*	„	„

The tolls on goods, grain, timber, slates, &c. &c., are 1 *d.* per ton per mile on the Birmingham Canal, and upon the other canals only ½ *d.* per ton per mile. I attribute the high tolls on the Birmingham Canal to the connexion and influence of the London and North Western Railway Company.

In the autumn of the year 1850 and 1851, the Birmingham Canal was very much short of water, by which the cost of working the traffic to the carriers was increased about 50 per cent. If the canal had been independent of railway influence, I presume that greater exertion would have been used to remedy the evil complained of.

647. Have you anything further upon the general question to state to the Committee?—Nothing but what I have embodied in this paper.

648. In the unavoidable absence of your superior officer, Mr. Fereday Smith, who is prevented from attending by illness, may we take the case which you have just put in as the case of the trustees of the Duke of Bridgewater upon this subject?—I think so.

649. Mr. *Patten.*] Have you any other statement to make than you have made regarding any impediments thrown in your way by the railway company?—No, none; this paper refers to the shortness of water, and to the tolls being higher upon the Birmingham Canal than upon the other canals.

650. How are the tolls on your canal as compared with the tolls on the other canals?—The tolls on the Birmingham Canal are 1 ½ *d.* per ton per mile on iron, whilst on the other canal snorth of Birmingham the tolls are only ½ *d.* per ton per mile; viz., the Staffordshire and Worcestershire Canal, the Trent and Mersey Canal, and the Bridgewater Canal.

651. How are those tolls as compared with the charge on the railway?—The railway include toll in their charge of freight; toll is merely the charge for using the canal; the railway company are their own carriers.

652. What is the charge for freights for iron on the canals?—From the Birmingham Canal to Liverpool it is 7*s.* a ton on iron.

653. What can you get that carried for by railway?—At about the same rate.

654. Mr. *Bright.*] Do you know whether the Birmingham Canal has raised its fares relatively to other canals, since its assumed connection with the North Western Railway Company?—I am not aware that it has.

655. Do you know that the Birmingham Canal is in a very fortunate condition for its shareholders; that it has a great length of line in connection with it which does not belong to it; and that, having the key of the traffic, it has always charged higher fares?—Yes, but the formation of railways in the district has so intersected it that they must have lost a great deal of that traffic lately.

656. From your statement it would appear that you wish to draw the inference that the connection of the North Western Railway, if there be any, with the Birmingham Canal, has had the effect of increasing its fares, as compared with the fares on the other canals with which it is connected?—I do not think it has had the effect of increasing its fares; but it has had this effect, instead of reducing their fares in the same proportion as other canals have done, they have kept them at the prices at which they were when the arrangement was made with the London and North Western Railway Company.

657. Mr. *W. Patten.*] It is your conclusion, that if the Birmingham Canal had not been associated with the North Western Railway, they would have reduced their fares?—Yes.

658. Mr. *Bright.*] You think that the competition with the railway would have made it worth their while to reduce their fares?—Yes.

659. But still, if the other parts of the canal navigation from London to Manchester had reduced their fares so much as to have brought them down to the railway fares, the Birmingham Canal Company would not have been obliged to reduce their fares?—No, it would not.

660. Are you aware that the portion of the canal that is at the end of the railway is not the property of the North Staffordshire Railway Company?—Yes.

661. Do you recollect the North Staffordshire Bill passing this House, when an amalgamation with the railway was permitted?—Yes.

662. Do you know whether any body connected with the Bridgewater property opposed the amalgamation at that time?—I believe they did.

663. Were you examined before the Committee?—No, I was not.

664. Do you know whether there were any conditions in the Bill granted to the North Staffordshire Railway Company to amalgamate with that canal, in order to secure the interests of the public?—I think there were some; for instance, the tolls then in operation were to be the maximum tolls charged; and there was a clause inserted, that they should not charge higher rates upon the canal than upon the railway, in order to regulate the competition between the two.

665. Do you find that, up to this period, on your five miles of canal, you have not suffered inconvenience or loss from the purchase of the Trent and Mersey Canal by the North Staffordshire Railway Company?—I do not think there has been any great loss; but, by the Trent and Mersey Canal, they could not get the traffic across the country between Birmingham and Liverpool, or between Birmingham and London; the traffic, to pass on their line, must go between Preston Brook and Fradley, and Preston Brook and Heywood, so that their interest has been to get a portion of our traffic by giving every facility to the traffic; but if that canal is amalgamated with the London and North Western Railway Company, then it becomes the interest of the North Western Railway Company to get the traffic on the North Western Railway.

666. *Chairman.*] At present, there is effective competition between the railway and the canal; the evil that you apprehend is, assigning a portion of the canal to your competitor, the railway company?—Yes.

667. Mr. *Bright.*] But supposing the North Western Railway Company amalgamated with the North Staffordshire Railway Company, and therefore took possession of the Trent and Mersey Canal, and were confined by Parliament to the maximum charges which are now levied, and were also confined as a maximum to the charge for an equal length upon their railway, would not that be a security to you that the traffic would still come your way, or at least would it not be a security to the public?—I scarcely think it would; because their interests would be so much against the canal, that, although Parliament might prescribe limits, yet they would have the power to impede the navigation to such an extent that it might be completely neutralized.

668. Are you not aware of the fact, that the North Staffordshire Railway Company have taken great pains to keep the traffic on the canal, and that they have endeavoured to make the canal a profitable purchase to them?—I believe they have.

669. Supposing that the North Western Railway Company brought the traffic to Liverpool in the cheapest manner for the public, you would, I presume, not conceive it necessary that Parliament should legislate to bring the traffic upon the line of canal, simply that it might go over your 25 miles of canal?—No; all we want is equal competition; let us have the canal traffic carried at the same rates as on the continuous route.

670. How many ways have you into Manchester by your water communication from Liverpool and Runcorn?—Two.

671. Have they always been in the hands of the Bridgewater trustees?—No.

672. What was the original line that you had?—The Bridgewater Canal.

673. From what place did that go?—From Runcorn to Manchester.

674. What was the other line?—The Old Quay Navigation.

675. That was by river?—Yes.

676. How long is it since you became proprietors of both those communications?—That is not in my department; the part with which I am connected is the south, Birmingham and London traffic.

677. But you are aware that the Bridgewater trustees did not consider amalgamation objectionable, some years ago, when they bought up the Old Quay Company?—I cannot tell what the policy of the Bridgewater trustees was.

678. Was not it the fact, that they did buy it up?—Yes.

679. And they possessed the whole of the water communications?—No; there is the route by way of Wigan, the Leeds and Liverpool Canal.

680. Is that longer or shorter?—I do not think that there is much difference.

681. But as far as those two lines went, they became the property of the Duke of Bridgewater's trustees?—Yes.

682. Supposing that the London and North Western Railway is not amalgamated, and that the Trent and Mersey Canal remains in its present hands, are you not liable to the same influence as might be exerted if the amalgamation took place?—I think not; it is to their interest now to keep the canal open to Preston Brook; and it will be sure to remain open, because it is the only means they have of getting the traffic on between Birmingham and Liverpool.

683. Do not you know that the North Western Railway is rather inconvenienced in the regularity of its trains, and their speed, by the immense traffic upon that line; have you heard that?—I have heard it from some parties; and I have heard it contradicted.

684. Do not you suppose that it would be to their interest to keep the canal open, and send the goods traffic upon it?—I think not, because of the mileage distance; they would get a greater mileage distance upon the railway than upon the canal; 67 miles against 188 to London.

685. Are there any other persons, except the Bridgewater trustees, who are particularly interested in this amalgamation not taking place; has there been any step taken upon the matter in the south?—I heard a petition read in this room from the Grand Junction Canal Company, and some others who use this line, and I think steps have been taken by the Staffordshire and Worcestershire Canal Company.

686. Does it not appear to you that, if Parliament were to grant an amalgamation with the North Staffordshire Railway Company, and it became the property of the North Western Railway Company, the interests of the public and all the water companies might be sufficiently considered by fixing moderate fares?—That by itself would not do. You must have some other regulations, such as ensuring a sufficient depth of water being given in the canal, and the stoppages for the repair of the locks being fixed to be done on a particular week. Formerly all the canals used to fix upon one week in the summer for the repairs of the locks; but if the stoppages for repairs on one canal were made irrespective of the other canals, there would be great confusion and interruption of the traffic.

687. Mr. *Labouchere.*] That supposes great interference with the details of the traffic, in order to keep it in a proper condition?—Yes.

688. Mr. *Bright.*] You mean that, if one canal chose to stop when no other canal stopped, it might seriously interfere with the working of the canals?—Yes; that was in answer to the question, whether fixing the rate of tolls would be sufficient to protect the public.

689. Those are all points which might be directed by the Act: is it your opinion that any security of that kind would very much destroy the danger that you apprehend?—It would very much, if the rate of toll to be charged on the canal to be handed over to the North Western Railway is the same as that charged on the canals north and east, with the precaution also that the depth of water shall be maintained, and the canal kept up for the use of the public, and the repairs done at a certain fixed time.

690. Mr. *W. Patten.*] With regard to the Trent and Mersey Canal, I believe that powers are given to the public in the Act of enforcing the supply of water in the canal?—I cannot speak of my own knowledge to that point.

691. You do not know that there are powers for enforcing the maintenance of the canal and the supply of water?—I do not know that.

692. You think that those powers are essential, in case of amalgamation between canals and railways?—Yes, quite essential.

693. Mr. *E. Denison.*] But independently of any general enactment by Parliament, are there not many ways in which, if a railway, being the proprietors of a canal, wish to interfere adversely with the traffic upon the canal, they have the power of doing it?—Yes, by not keeping the works in repair.

694. Were you not here present the other day, when Mr. Pixton gave his evidence?—Yes.

695. He gave evidence about the company compelling people to bring their money and pay the toll at the locks in each case, even in the middle of the night, and other matters of that kind, which he stated were extremely inconvenient to the traffic. Is it not in the power of a railway company, if it possesses

sesses a canal, to enforce regulations of that kind which would interfere with any traffic that they did not wish to go upon the canal?—Yes, it is; and in another way besides that to which you refer; there is a clause in the Canal Act, empowering the canal company to charge for 15 tons to a carrier or the public using the canal, even if the boat has five tons only on board.

696. Is it not your opinion, that if amalgamations between railways and canals are permitted, besides that general enactment, it will be necessary that there should be some tribunal to whom an appeal should lie upon such points as those?—Decidedly; I think so.

John Swift, Esq., called in; and Examined.

697. *Chairman.*] I NEED scarcely ask you whether you are solicitor to the London and North Western Railway Company?—I am one of the solicitors.

698. You have no doubt carefully considered the question of past legislation as regards railway companies, and are prepared to give the Committee your opinion whether any useful changes can be made in reference to legislation in future?—Yes.

699. Will you have the goodness to give the Committee your opinion upon the first question referred to us; viz., the proposed amalgamations?—I have no doubt that amalgamations will take place; perhaps not so quickly as some persons suppose, but at a very early period, and perhaps on a very large scale; much larger than is now contemplated. I think that must inevitably be the case.

700. You think that the natural interests of the companies to amalgamate will be greater than any determination on the part of Parliament to prevent such amalgamation?—Yes. I think the action of Parliament already has rendered it essential.

701. Are all the great companies which are now in existence made up of smaller companies which have been allowed at different times to amalgamate?—Yes, nearly all; for instance, the London and North Western system consists of a dozen companies, which have been from time to time amalgamated.

702. Are there besides many understandings and working arrangements between one company and another which are in their effect, while they continue, equivalent to amalgamations?—Yes, quite so.

703. Will you tell us how many miles you have of your own line?—I think about 500 miles.

704. Originally constructed by several separate companies?—Yes.

705. And besides that, you are working by agreement over a considerable extent of mileage of other lines?—Yes.

706. What is that extent?—Perhaps 300 miles more.

707. Over those miles working by consent have you the same control of the traffic as you have over your own line?—As to some of the lines, that would be the case, but not as to all.

708. Mr. *W. Patten.*] As to the majority of the lines, do you work them independently of those companies?—As regards the Holyhead line, we provide the engine power and the carriages in the stock; and it is the same with the Lancaster and Carlisle Railway Company, and we have no control beyond what may be necessary to work the line.

709. *Chairman.*] In your opinion, are all new lines and branches made by you open to the same class of objection to which amalgamations with other lines would be open?—Yes. If there is any reason against amalgamation, it seems to me that it should go to the extent of saying, that there should be no more lines granted to existing companies. I understood Mr. Seymour Clarke to state, that his objection was to the size of the amalgamation of the North Western and the Midland Railway Companies; but his company, the Great Northern, proposed to amalgamate with the Midland Company, and in that case the sum total of their capital would have been not so much less than ours.

710. Mr. *Labouchere.*] Do you not think that the question of degree is a question to be considered?—Perhaps it ought to have been considered, but it is too late to consider it. Parliament has done so much already, that it must, as I conceive, take the course of sanctioning the amalgamations that are now proposed, and others.

711. *Chairman.*] What, in your opinion, is the effect of amalgamations upon cross lines?—The effect must be, that the larger the amalgamation between any

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companies, the more likely there are to be cross lines made which would not otherwise be made.

712. Will you explain the inducement which would exist in the amalgamated Companies to make those cross lines?—As regards these cross or branch lines, no one would make them as being remunerative in themselves, but they become remunerative when the traffic brought by those lines is distributed over the many miles of the main line; and the more miles the amalgamated company have, the more likely they are to make the branches, because of spreading the branch traffic over a greater number of miles.

713. Then you think that the local demand for small lines of railway for local traffic is more likely to be met under the amalgamation system than it would be if amalgamations were refused by Parliament?—Yes, I think so: and I think that lines would be made with reference to the real wants of the country, and not, as lines are now made, for the purpose of occupying districts lying between the lines of squabbling companies.

714. What you call a fighting line is a line not made for the purpose of accommodating the public, but for the purpose of defeating the scheme of a hostile company?—Yes; or of defending a sort of debatable ground, which is at present food for lawyers and engineers.

715. Are you of opinion that, by any plan of legislation which has suggested itself to you, Parliament might obviate the recurrence of those mischiefs?—I think, as far as it goes, amalgamation is the mode of obviating those mischiefs.

716. Would you couple with that any security to be given to the travelling public, in order to ensure their convenience and advantage?—I do not see on what ground companies are to be called upon to make concessions of that sort, when, in my opinion, amalgamation is an unmixed good, which the companies therefore should have the assistance of Parliament in carrying out; but there are other things which might be done for the companies which might entitle Parliament to ask for such concessions. I think what Mr. Seymour Clarke said about territorial divisions of the country, which would be an amalgamation on a large scale, would be desirable for the public; and that, if there could be conceded to the companies an absolute monopoly of their proper districts, in exchange for that, every protection which anybody might suggest might be given to the public against the evils of monopoly.

717. By every protection which anybody can suggest you include continuous audit, periodical revision of tariff as the traffic increased, and some mode of arbitration or arrangement in case of disputes at points of junction and elsewhere?—Yes.

718. Besides the interest which the amalgamated companies would have in affording local communication, would you approve of securing in the Amalgamation Act any power to the district to make a branch that might communicate with the lines of the amalgamated companies, and ensure to them such working arrangements with the amalgamated companies as would render it easy for them to effect a junction with the trunk lines?—First, as to the making of those branch lines, I think, besides the reason I gave before, that the companies being very large would be more likely to make those lines; the result of this scheme of territorial division being carried out, would be to make the whole capital of the companies yield a reasonable profit; it would be above par, and if it were above par that would be an inducement to the company to lay out new lines in the district. I, as a shareholder, would rather lay out money to yield me 5 per cent. in branch lines, than obtain merely 3 per cent. in the funds. Then as to the working of those branch lines. The company might, without risk to themselves, be bound to work them at the average cost of all their lines, which would be a great boon to the branch companies.

719. Mr. Seymour Clarke suggested an appeal to a central authority, to assess the rate of working those branch lines, and you object to that?—It may be advisable in his view. I do not think it would do. It would involve a very large power to be given to any authority, and I fear it would involve everlasting disputes between that authority and every railway company,

720. Mr. *W. Patten.*] You say that the companies might be bound to work the branch lines at the average cost of their other lines, but how could that be ascertained?—Everybody knows, at the end of the year, what the per-centage of any company's expenses on the receipts is. If the per centage of the general working

working expenses were 40 per cent. it would be 40 per cent. upon the branch line receipts.

721. Mr. *Laffan.*] Do you think it would be right, supposing a line ran to a district where coke was cheap, to charge that at the same rate as on a line where coke was dearer?—I do not think there would be a branch line where that would be the case; but if it were, I think it would be just, because the greater expense in other items would more than counterbalance any saving in coke, which is a very small item in the whole expenses.

722. Mr. *Bright.*] Under the system of giving to one company a monopoly over a large territory, would you not withdraw from that company the inducement to make many branch lines, which are now made for the accommodation of those districts in the anxiety to get possession of the debatable ground, but which, if this system were carried out, would be no longer debatable?—No; I admit, however, that you must give a monopoly; it is an ugly name, and all the consequences of granting a monopoly must follow, in the form of concessions by by the companies for the protection of the public.

723. Do you think that a small town, which perhaps is not able itself to raise capital to make a line to the trunk line near it, would, under this system, have much chance of getting a line made?—I think not, if you mean that the branch would be a heavy loss; and in the case you put, the town ought never to have a line; and if a line is made, it is a total waste of money, and is a national injury. In the case you put, of its not being entitled to a line, it ought to go without one.

724. There are many towns not supplied with railway accommodation that have every claim to it in population, wealth, and passenger traffic; they are quite equal to those of many towns which have railway communication; how are they to be supplied with such accommodation? It may be to the loss of the present companies contesting with each other that they are supplied with that accommodation, but still it is an advantage to the towns which are so served; but if the companies get a monopoly, they will no longer be under the inducement which they have now to supply those towns?—We should be under the other inducement which I spoke of, of a profitable investment of our money; I doubt the ultimate advantage even in the case you put; because, supposing two companies to be fighting with each other, and that one of them makes a line to a town that ought not to have a line, the consequence will be, when the companies have settled their differences, which will be very soon, that they will cease to work it, or will work it inefficiently.

725. But being made, it might be worth while to work it; but if you withdrew the inducement of one company contesting with the other company, they might not be willing to make it?—In the case you put, of a line being made under fighting circumstances, it would at all events be made expensively; a great deal of what should have been the cost of making it would be spent in litigation, and in the Parliamentary contest; and for that reason, if each company had the traffic of their district to themselves, I think that they would be able and willing to make the line in the first instance, and work it advantageously to the public. There may be some cases where the outlay really would not, under any circumstances, justify the making of a railway; though I still think that, when a large company is in the district, with the security that would be given by what is called monopoly, with its consequences in raising the value of their property, it would be much more likely to make it than the supposed fighting companies, even if one of them got the Act of Parliament.

726. Would you recommend, in the case of a monopoly being given, that it should be permanent, and never subject to any kind of revision?—If you are very much alarmed at the word "Never," it might be for a long period; for such a period as to make it practically secure.

727. You heard the case that I put of the increase of the population of Lancashire, and the possibility of any other line being made; do you think that a monopoly for 10 years would be sufficient?—No, I think not; but you will allow me to observe, that you omitted the important consideration, that besides the London and North Western, there is the Sheffield Railway and the Leeds Railway, both leading indirectly to London from Manchester; a straighter line to London cannot be made than our own line, it could not therefore be that you wanted another straighter line. Then, as to the quantity of the traffic being greater than our company and the other companies could carry in the event of a large increase of traffic, I should say there would be no necessity for

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for a new line, and if it were necessary it would be more to the interest of the present company to make it; they could make it much cheaper, for parts of their line could be used; and you could not make an independent line from London to Manchester at anything like the expense with which you could increase the accommodation upon the present line to any needful extent.

728. Supposing a company were started to make a line from Manchester to London, entirely for passenger traffic, do not you suppose that it could be made at half the expense, that line being confined to passenger and parcel traffic; and they might run through trains and lighter trains; and the engines and everything else would require to be less expensive; and they might compete to your disadvantage?—If you take into account the expense of terminal stations, and what it would be 10 years hence, I do not suppose that a company could make a line that would pay, having only the through traffic. I think it would not pay its working expenses, even on your assumption of an increase of traffic; because, of course, we should not lay down our arms and give up carrying the public; we should still compete for the traffic.

729. Mr. *E. Denison.*] Without speaking about very remote times, as far as you can reasonably contemplate now, do you think that, under such a division of the country into districts, with a monopoly in the existing companies, the London and North Western Railway Company, by laying down double sets of rails as convenience required it, might more effectually administer to the public necessities and the public convenience than could be done by leaving the thing open to the possibility of a future independent line at some distant time?—I feel quite certain about it.

730. Does your objection to putting down additional rails now arise from the want of security, and the possibility of competition hereafter?—At present the operation of things is this: We are spending a large sum annually in litigation, which is a total waste of money; and, by these continual quarrels and doubts as to what will be the ultimate value of our property, it is rendered insecure and less valuable than it ought to be, and the company is thereby restrained from doing what they otherwise might be disposed to do, and which, in my view of the case, if there were a territorial division of the country, it would be their interest to do.

731. If the company was free from these external influences, it would be their interest to promote the traffic by every necessary convenience, and by increased lines, within their own territory?—Yes; in proportion as you render the shares of railway companies a valuable investment as compared with other investments, in the same proportion it is quite plain that the company would have a great inducement to give greater accommodation to the public by the creation of new lines.

732. Mr. *Bright.*] Can you give any case in which such results as you promise us have been observed, from raising the value of the property of a company to 6 per cent., and securing the company from interference for the future?—Yes. I may mention the case of the very company which we are now discussing; when we were receiving 10 per cent. we were making lines everywhere for the accommodation of the public; but since that we have made fewer lines for the accommodation of the public, owing to our shares being less valuable. But as soon as we are satisfied that our property is a secure property, we shall have every inducement to lay out money in the construction of new lines in extension of it.

733. *Chairman.*] Your capital account having been closed by the direction of Parliament, no increase can be made except for fresh railway accommodation; but if the rate of interest upon your shares was higher, you would have a strong inducement to increase your capital?—Yes.

734. Would it not be a great advantage, in cases where more capital was required, and compulsory powers were not wanted, if the necessity of incurring the expense of coming to Parliament could be avoided, by means similar to those which are adopted in the case of the Inclosure Commission?—Yes; that would be very desirable.

735. Might not that be convenient to districts to which lines were made, with the unanimous consent of the landowners, who were very desirous of having branch lines to fall into the trunk line?—Yes.

736. Supposing Parliament does not sanction amalgamation, do you expect that the community at large will enjoy the benefits of competition among railway

way companies?—No; I stated in 1844 or 45, in a Committee of which Mr. Gladstone was chairman, that I thought the inevitable effect must be, that since from the nature of things there could be but two or three competitors, they would combine instead of competing; when the effect of combination is to give the competitors 10*s.* in the pound, and of competition to give them only 6*s.* in the pound, they will never go on fighting for only 6*s.* in the pound, when they could by force obtain 10*s.* in the pound. A question was asked whether a new line was not necessary from London to Manchester, looking to the increase (700,000) in the population of Lancashire; but supposing that line to be made, it is quite plain that the companies would combine in a very short period.

737. Mr. *Bright.*] My notion was rather that of the probability of a new railway being made advantageous to the public in influencing your company?—No; on the contrary, it is the very fear of these things coming which prevents our doing what it would be otherwise our interest to do. If we are always afraid of another railway being sanctioned, of course we shall button up our pockets, and not lay out our money upon new lines; and in the case you put, Parliament would be asked to sanction a railway which, after all, would not be a competing line.

738. You are probably aware that, in the United States, the facility for making railways is very much greater than in this country, owing to the almost universal desire of proprietors to have a railway passing through their property?—Yes, I believe that is so.

739. And that, wherever there is a railway, supposing persons can be found to invest their capital, they may make another parallel with it almost the whole distance?—I don't know how that is.

740. I have heard, I do not know whether you are able to speak to it, that that is considered a great security to the public, and that it induces the present railway companies to keep up to the present rate of efficiency for the convenience of the public?—I doubt the fact whether they are worked efficiently. It is within my experience that, very recently, a large proportion of the American railroad proprietors have met, and by some arrangement they have resolved very much to the effect of what I am stating now: that the competition was of no use to the public, and was very injurious to the shareholders, and that it had better be given up.

741. Was that a suggestion?—No, it was a resolution formally come to at a meeting; I had it copied from an American newspaper. It did not surprise me at all, for it seemed a very natural conclusion.

Mercurii, 23° *die Februarii*, 1853.

MEMBERS PRESENT:

Mr. Cardwell.	Mr. Labouchere.
Captain Jones.	Mr. Evelyn Denison.
Mr. Monckton Milnes.	Mr. Wilson Patten.
Mr. Henley.	Mr. Strutt.
Colonel Mure.	Mr. Laffan.

THE RIGHT HON. EDWARD CARDWELL, IN THE CHAIR.

John Swift, Esq., called in; and further Examined.

742. *Chairman.*] WHEN we ceased on Monday last, we were examining you upon the advantages which you expected the public to derive from amalgamation; were there any points bearing upon that subject which we omitted in your examination on Monday?—Yes, I think there were.

743. Will you be so good as to state them?—I did not refer, as one of the points upon which there would be a considerable advantage in amalgamation, to the cheaper working and the better arrangements as regards the general management that would result from it.

744. Will you explain how that cheaper working would be obtained?—By the fusion into one concern of two or three concerns which are at present separate;

separate; separate staffs, separate engine power, and even separate stations, &c., all this would be done away.

745. That would apply more to the parts of the country where the population is thin than to parts where the population is dense, because you might carry cross trains as part of the general system, whereas it would be more expensive to make the trains of the separate company dovetail into the arrangements on the trunk line?—Yes, it might be so; but there would, under all circumstances, be a manifest saving from the fusing into one of what are at present worked as separate concerns.

746. With regard to Parliamentary trains, would there be any particular convenience in that respect?—Yes; another effect of amalgamation would be that whereas at present each company is obliged to send a Parliamentary train only to the end of its own line, the train would go to the end of two or three amalgamated lines, which would become one company's by the amalgamation.

747. How would it be as regards transactions with the War-Office, Post-Office, and any other Government departments?—It must be an obvious facility: if the War-Office wanted to move troops quickly from one part to another, they would have one company to arrange with, and one line to pass over instead of three or four; and the same with the Post-Office.

748. Would there be any objection to imposing conditions upon the companies in respect of moving ammunition in case of necessity, and requiring them to have trucks suitable for carrying guns, and matters of that kind?—I do not know how that might be; the Government would probably find their own trucks; it would be merely a question of terms at all events, and more easy of solution if one company had to be dealt with, than if there were two or three not amalgamated.

749. What would in your opinion be the effect of amalgamation upon the maximum rates to be charged?—It so happens that in most, if not all, cases in which companies have amalgamation Bills before Parliament, one of the companies has a higher maximum rate of charge than the other company; for instance, the Midland Railway Company has a higher maximum rate than the London and North Western Railway Company. The effect of the proposed amalgamation between them would be, amongst other advantages to the public, that over the 500 miles of the Midland Railway, the lower rate of the London and North Western Railway would come into play at once.

750. Mr. *Labouchere.*] Is the maximum rate on the North Western Railway actually charged against the public?—Yes, and it is so on all the lines, I believe.

751. The companies charge as much as they are entitled to do so under their tariff?—Yes, I believe every company does so. That has been one of the effects of competition. I think, at all events, it is the fact that they do all charge their maximum rates.

752. *Chairman.*] Supposing a person to go from London to York by the first class, starting from Euston-square, does he pay the North Western Railway Company the maximum rate to Rugby, and the Midland Railway Company the maximum rate from Rugby to York?—I think he does; but I am not sure how that is.

753. Does he at any rate pay higher rates upon the Midland Railway than upon the North Western Railway?—Yes. The fact is, that there is a higher maximum charge on the Midland Railway, and I believe it is the fact that the companies take the maximum charge.

754. With regard to a great reduction of the tariff, would you expect that was more likely to be accomplished from the arrangement of the amalgamated company than by the separate arrangements of the separate companies?—Yes, it must be so, I think.

755. You were asked what effect would ensue if things were left to take their own course; can you form any estimate of what amount of expenditure in the last 10 years has been wasted upon Parliamentary contests?—I do not know that I ought to admit that it was wasted, for the lawyers and engineers had the benefit of it; but I have no doubt that at least 200,000*l.* a year has been spent in the last 10 years by all the companies in their Parliamentary contests; the Committee heard that the Great Northern Railway Company had spent 700,000*l.*, and our expenditure would be nearly as much; and, therefore, I have no doubt at all that 200,000*l.* a year would be very much under the mark, and that was spent without producing, as the Committee are aware, anything whatever by which

which the public are benefited, though the public have to pay the dividend upon it for ever.

756. Do you apprehend that similar consequences may ensue in future years if we act upon the principle of leaving things to take their own course?—It is quite clear that it must be so.

757. With regard to the speed, and the number of trains, and other circumstances of public convenience, what effect do you think amalgamation would have upon that question?—I should expect that as amalgamation helps the means of companies, it must be their inclination to afford the best public accommodation.

758. Do you think that if a company, by means of amalgamation or otherwise, had obtained practically the control over a certain district of country, there would be the same stimulus of private interest to afford all possible facility to the public that there is now?—I think so; I know the fact to be, that when there are two companies competing it does not lead to the result you might expect; but they agree how many trains shall go in a day, and what classes of trains; that is to say, the two companies combine as to that as well as everything else; and it is at least clear, that if the district were in the hands of one company they could afford to accommodate the traffic better. We have an illustration at Hastings; the public are not well accommodated there, and the reason is very clear; each of the two companies gets half a fare instead of a whole fare, and therefore cannot afford to serve the public well. I should suppose, therefore, that as amalgamation would enable the companies to give more accommodation, it would induce them to give more.

759. What is the effect where the competition is hostile, where the system of one railway falls into the system of another, and the continuous communication of the public is to be provided for, partly by one company and partly by the other company?—The hostility will only be temporary; but while it lasts the public are inconvenienced by it; the trains on the two lines are made not to fit into each other, but are disarranged.

760. Then, in short, it is part of the arrangements of the hostile company to cause the trains not to suit at the point of junction, in order that the other company may not be able to forward its traffic from that point?—I have no doubt that it is so; railway managers might not admit that, but everybody knows that it is so.

761. As the railway network becomes more complete, and more complicated, will instances of that kind be likely to increase?—Yes; they will be multiplied just in proportion as what are called competing lines are multiplied.

762. Supposing amalgamation be granted, how do you propose to secure to the public, where one line falls into another, that as fair play shall be given to passengers who come by the hostile line as they would obtain if that line were part of the system of the amalgamated line?—The Board of Trade ought, I think, to have the same power with regard to public convenience at points of junction as they now have with regard to public safety. Under the 5th & 6th of Victoria, they have the means of summarily remedying any such difficulties where public safety is involved.

763. With regard to railway property, do you consider that railway property stands as high in public estimation in proportion to its probable return as it ought to stand?—It certainly does not.

764. Will you have the goodness to explain what in your opinion would be the effect of extensive amalgamations upon the value of railway property?—I think the effect must be to render that property more secure, and consequently to raise its value.

765. The more extensive the amalgamation, and the wider the area from which the revenue was derived, the less the fluctuation would be likely to be, and therefore the more secure the property in proportion to its present return?—Certainly, that is found to be the case.

766. We have been told by some of the witnesses that nothing short of an absolute subdivision of the country into districts, and a positive pledge by Parliament that no hostile company should be allowed to come into the district of the company to which that province should be assigned, would give security to railway companies; is that your opinion?—No; I can conceive of something short of that, giving such reasonable security as might be an equivalent for some concessions

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concessions to be made by the companies, the quantity of concession depending upon the quantity of protection given.

767. Will you be so good as to point out what kind of arrangement would, in your opinion, tend to give the companies the protection which you think they are entitled to?—One point in which I think very great injustice is done to another is by allowing one company to use, and even on reduced tolls, the railway, and especially the stations, of another company for the purpose nominally of competing with that other company for the benefit of the public, the real object being to get credit for a proportion of that other company's traffic in the ultimate division between the two companies.

768. That is what is given now by the system of running clauses?—Yes; the truth is, that all companies have the power of using other lines upon paying the tolls imposed by Parliament.

769. That would entail upon the foreign railway, as it is called, the expense of building stations and making arrangements for a supply of water; in short, having a perfect organization of its own?—Yes; and so I think it should be, if they propose to compete for traffic with the other company, another company ought not to insist on using my office to compete with me in it.

770. Is the evidence, which was given to us by Mr. Seymour Clarke, as regards the public safety, in connexion with the system of running clauses, consistent with your experience?—No. Mr. Harrison, of the York and Berwick Railway, and a host of other practical men have, in my hearing, given the strongest evidence against those running clauses, on the ground of safety, as well as justice and fairness; and the last time this Committee met, after hearing that evidence of Mr. Clarke, the chairman of the Manchester, Sheffield, and Lincolnshire Railway Company, to which Mr. Seymour Clarke particularly alluded in connexion with running clauses, told me that on no other part of their line had they so much trouble and risk of accident as on that part which was run over by the Great Northern Railway Company; and I have heard it spoken of by, I think I may say, almost all persons managing railways as a most dangerous thing.

771. I understand you to say, that you think to adopt the principle of enabling one company to use the stations and water tanks, and so on, of another company, would be unjust in itself, and, secondly, that if a foreign company chose to build its own stations and water tanks, it would be incompatible with reasonable precautions for the safety of the public to allow it to run over the other line?—Yes, that is my opinion, according to all the evidence I have heard from time to time.

772. Then discouraging running clauses is one main security to which you look for affording territorial protection to railway companies?—Yes.

773. Is there any other consideration to which you wish us to direct our attention?—Speaking of the country generally, there may be others, but none specially applicable to the particular district with which I am more immediately connected; except the question of gauge, which was thought to have been finally settled by the Gauge Act, but which is now again raised by the Great Western Railway Company.

774. Will you be so good as to give us your view of the gauge question as it now stands?—As the matter now stands, it seems to be left to the discretion of each Committee on each Bill to come to a different conclusion upon the question, though one which was considered and dealt with by Parliament as a great national question.

775. In the year 1845 there was a Royal Commission upon the subject?—Yes.

776. That commission reported generally against the extension of the broad gauge, except within certain limits; what were the Parliamentary proceedings which took place subsequently to that?—I think the House adopted the report of the Gauge Commissioners; there certainly were some resolutions of the House adopting all the principles of the Gauge Report, but afterwards, in the course of the passing of the Act through the House, which was to give force to those resolutions, certain words were introduced with the object, no doubt, of providing for two Bills which were then before Parliament, the Oxford and Birmingham Bill, and the Wolverhampton and Birmingham Bill, but which words were so vague as to leave the matter in effect (as anybody reading the Act sees now) practically to the discretion of each Committee on each Bill; and the

the consequence is, that the House thus brought back matters to precisely the same position as they were in before the commission was issued, and made the whole thing an absurdity, each Committee before the Act having the same powers as after, neither more nor less.

777. Are you of opinion that, to discourage running clauses, and to maintain the decision of the commission upon the gauges, would be a great security to the companies with regard to territorial division?—Yes; and I should wish to say, in connexion with those two matters, that there are this Session eight or ten different Bills before Parliament which propose to deal with this question of gauge, and some of them proposing to introduce the broad gauge in a district 200 miles away from that originally assigned to it; and with reference to running clauses, there are 36 Bills now before Parliament proposing to deal with upwards of 70 railways, or parts of railways, all over the country, including all, or nearly all, the main lines.

778. Supposing your view were adopted, and that running clauses were discouraged, and the opinion of the gauge commission was maintained, virtual protection to the present companies within their present districts would be given?—Yes, to a great extent; and of course I must admit, that that might practically amount to a monopoly. I do not wish to conceal that the effect of the alteration of the Gauge Act, and the not giving running clauses, and the repudiation of the so called competition doctrine, would be to give a monopoly to the present companies, in exchange for which they must make concessions to the public.

779. You mean that combination by one means or another will eventually result, but that for some time to come there will be a contest between the companies unless these two protections are given?—Yes, and the longer the contest continues, the more difficult it will be to settle it, and the greater the public inconvenience meantime.

780. Will you be so good as to explain how the question stands at present with regard to the mixed gauge?—I believe it stands just as it did when the Gauge Commission was issued, and when those resolutions, adopting the report against it, were come to, and when the Act of Parliament was passed which was meant to stop it; because I believe there has been no alteration since that time as respects mixed gauge in actual working.

781. Mr. *Labouchere.*] It has been sanctioned?—Yes; I think in one or two cases.

782. Is it working in any case?—It is working now where it was working before the Gauge Act, viz. between Gloucester and Stonehouse, or somewhere in that country; but there is no more experience of it now than there was then, and then the Commissioners reported against it.

783. Is there not the mixed gauge on a railway in Buckinghamshire?—The narrow gauge has been laid down upon part of the Birmingham and Oxford Railway, I believe; but there has been no narrow gauge station made in connexion with it, and the narrow gauge has not been used.

784. Do you believe it to be practicable?—According to all I have heard, it is impracticable at stations; it may be worked upon lines, but I understand there is no case where it has been worked at a station, and I am told that it is perfectly impossible. I do not wish to give that as my opinion, for I am not competent to form one; but I know it is the opinion of most of the engineers, if not all.

785. *Chairman.*] You were saying that whether with our concurrence or otherwise, practically, amalgamation would be the inevitable consequence of the present state of things?—Yes.

786. Can you illustrate that, by reference to any paper showing the arrangements which have taken place between great companies?—I have brought a map with me, which I thought might enable me to illustrate the view I have before put forward, that the expected fruits of competition have not resulted in any case from what were called competing lines. It is, I believe, the fact, that, beginning at the sea, on the South of England, and ending at the Firth of Forth, or I might say further north, where railways are established, there is no case of a competing line being granted that has not resulted in combination between the two, so called, competitors. For instance, starting with the top of the map: there is the Caledonian Railway, and the Edinburgh and Glasgow Railway; they are now in Parliament to amalgamate, having been parallel and competing lines. Those companies, like others, competed till they were tired, and then they

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combined; that applies to nearly all the east and west Scotch traffic. Then the next case is the Caledonian and the Glasgow and South Western line, which latter was granted as a competing line with the former coming southward from near Glasgow. They have tried competition for 12 months, and they have just now made an arrangement and divided the traffic between them. The next instance is the Great Northern Railway, which was granted as a competing line against the North Western Railway and the Midland. Now the companies have by agreement divided the public between them in all cases where they could have competed. Then there is the case of the Great Northern Railway, the York and North Midland Railway, the York, Newcastle, and Berwick Railway, the Midland Railway, the London and North Western Railway, the Lancaster and Carlisle Railway, the Caledonian Railway, and the North British Railway, which include nearly the whole of England, beginning in London, and ending at Edinburgh; those were all expected to be competing lines for the Edinburgh traffic; but the practical result has been, that by an agreement they have apportioned the traffic between them. Then there are the East Lancashire and the Lancashire and Yorkshire lines; they have divided that part of the public between them instead of competing. The Leeds Northern and the York, Newcastle, and Berwick again have, instead of continuing the competition which they began in their districts in the north, settled all their differences, and are before Parliament for amalgamation. The Great Northern and Eastern Counties Railways, which have practically the whole of the eastern part of England, have agreed on a division. Even as to what is at present the debateable country, which lies between Wolverhampton and Chester. The case is, or inevitably must be, precisely the same when the game of competition is played out. The two Shrewsbury companies have already offered to withdraw from competition with the London and North Western Railway Company, if we would give them a certain sum per week for so doing. Afterwards, when these Shrewsbury Railway Companies had got into a sort of alliance with the Great Western Company, they, along with the Great Western, offered to charge equal rates with us, instead of competing. Then the Great Western Railway Company themselves have offered to us, several times, to charge equal rates to all places, and to divide the proceeds; and they do now charge equal rates with us, when, as is the case with their new Birmingham and Oxford line, we are in nominal competition. Then, again, carrying the principle of no competition still further, the Great Western very strongly urged the North Western, and also the South Western Railway Companies, to amalgamate with them; and, in fact, notices of application to Parliament for an Act to amalgamate the three undertakings were given in 1849, I think it was. And then, with reference to the Brighton and South Eastern Companies, they, I believe, have, after trying competition, settled all their differences, and are before Parliament for amalgamation. So that I do think I may say that there is no company, and certainly no company which can be regarded as an important one, which has not made amicable arrangements with any and every other company with which it was supposed to be or might be in competition, in order to avoid that competition.

787. Then you agree in the dictum which has been quoted to us upon the authority of Mr. Robert Stephenson, that "wherever combination is possible competition is impossible"?—It is obviously so, in my opinion; the result of competition, while it lasts, is, that both companies are injured, and, when it ceases, both do much better.

788. When competition ceases, what is the consequence as regards the public interest?—I think the public are better served. I do not think the effect is, on the whole, injurious to the public, considering other questions affecting them besides that of mere charges.

789. But is not the capital which has been wasted charged upon the public in the shape of tariff, which otherwise they would not have to pay?—Yes, it is money thrown away; and besides, you have bad lines instead of good ones to maintain in perpetuity, and the public suffer great inconvenience even during the competition from the quarrels of the competitors.

790. Mr. *Labouchere.*] Is the Committee to understand that it is your opinion that under no possible circumstances could it be the interest of a company that had got entire control over a considerable district of country, to reduce the number of its trains, and the speed of its trains, below what they now are?—I am quite certain, first of all, that competition will never prevent that, because I know

I know that in cases where settlements have been made between companies, they have agreed, not only as to charges, but also as to the number of trains and the style of accommodation, so that one company should not afford more accommodation than the other.

791. Do you think the fear of public opinion, and of competition springing up, has no effect in making companies desire to meet the wishes of the public?—I think public opinion has the greatest possible effect, and will continue to have that effect upon companies.

792. Do not you think that that effect might be diminished if an entire district was given over to one company?—No, on the contrary, I think it would be more felt; at all events, I have no doubt that the moment you actually put a second company in the district, you have settled the question finally, and you have released both the companies from the apprehension of competition as a check upon them, because there cannot be a third line made; there is no probability of a third, at least.

793. In short, you think it would be better to give the entire control of a district to a company, and to leave the question of the number and speed of the trains, to be regulated by them as they might think best for their own interest?—I have no doubt that that is better than granting two lines.

794. Do you think it possible that under no circumstances it might be to the interest of the company to whom the district was given to diminish the number of trains, and the speed of the trains, and so far affect the accommodation of the public?—I believe that it would not be the interest of the companies to do so, but if there were two lines granted, and then there arose that question of interest, they would be able to reduce the number of trains, and increase the price, without the public having either a remedy, or a right to complain.

795. Do you contemplate that districts should be given over to companies absolutely, and beyond check or control on the part of any public department, in order to protect the public in regard to the number and the speed of trains?—I am not alarmed at the notion of the Board of Trade having some supervision or control of that nature as to the trains.

796. And the speed of the trains?—Yes, if we improperly diminished the rate of speed at which trains had been running.

797. Do you think that would be possible without a minute interference?—Yes; but if you wished to force companies to do more or to go faster than they had done before they had got the supposed monopoly, I do not think it would be right to require that.

798. Mr. *M. Milnes.*] Is not the speed of the trains abroad much slower than in this country?—Yes.

799. Is not that attributable to the railways abroad being Government monopolies?—Perhaps; but that may be because they are Government monopolies, and public opinion cannot act upon them, constituted as those Governments are.

800. You think a monopoly in the hands of a railway company is not likely to be so much abused as when it is in the hands of Government officers?—I would not use the word "abused," for I do not think a public board would necessarily abuse the monopoly; but they would probably not consult the public convenience in the way that a company would do. I know, with reference to the Liverpool and Manchester Railway, when there was no notion of competition with them, and they had one absolute monopoly, they were continually improving the accommodation and the speed of the trains. It was their interest to do so, and I think that would always be the interest of companies, their well considered interest.

801. Mr. *Labouchere.*] Are there no cases in which it would not be to their interest to do so; when they had the control of a district, would they not endeavour to save money in every way, and would they not say, "We will not run so many trains, or such fast trains, as we have done"?—I think not, and in reply to that question, I should also say again that the apprehension of that is the strongest possible reason against having two companies in the same district; it is only as long as you keep the threat of competition hanging over any company that it can have any effect; as soon as you have granted two companies you immediately have the two combining, and as you cannot put a third company, and a fourth, and so on, into the district, you have practically lost all control.

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802. *Chairman.*] Though you conceive that competition is an inadequate remedy, yet you would not advise Parliament to surrender the power of holding out the threat of competition in case companies misconducted themselves?—No; I have no objection to the Board of Trade having a power to prevent companies doing what the preceding question assumes that they would do if a monopoly were granted.

803. You would not go so far as some of the other witnesses have gone, to require the faith of Parliament to be pledged for the absolute monopoly of the district?—I cannot suppose that it could be contended that we should have the monopoly if we misconducted ourselves in the district.

804. Will you be so good as to tell us what is the general outline of the arrangements that you would approve of as far as the interests of the travelling public is concerned; in the first instance, would you approve of the security of a periodical revision of the tariff, so as to make the travelling public shareholders in the profit that arises from the perpetual increase in the traffic upon the line?—Yes; that would be equitable; a fair maximum dividend being agreed on.

805. In order to that, would you object to an official audit of the railway accounts?—No; but it should be at the public expense; if the public are to have the benefit of the audit in the reduction of the tariff, it seems to me only right that they should pay the expense of that audit, and that would obviate objections with reference to the possibility of vexatious proceedings being adopted under the name of audit.

806. That would merely involve the question whether it should come out of the consolidated fund, or out of the aggregate fund that is to pay the dividend of the shareholders, and then to be subject to a reduction?—I do not think it is quite the same thing; I think the consolidated fund ought to bear the charge.

807. Then giving the official audit, and giving a periodical revision of the tariff, what power do you propose to give to the public to secure that they shall have the same attention to their convenience, and to their general interests, as competition, wherever competition still remains, now gives to them?—I think that might be very well left to the Board of Trade; the question assumes, but which I do not admit, that competition has that effect which you state.

808. In what way would you anticipate that a Government Board would be able to exercise these powers for the purpose of securing that object?—I cannot suppose that there would be any difficulty in their doing it.

809. Supposing that a company which touched an amalgamated company at the point of junction, complained that that amalgamated company so arranged their trains as to prevent the traffic coming from their line, would that be a subject which in your opinion ought to be examined into by this Central Board?—Certainly.

810. Is that a subject which could be properly settled by arbitration?—I think so; arbitration under the responsibility of the Board of Trade.

811. Supposing that the public in a particular district complained that the interests of that district were neglected by the amalgamated company, is that a subject which you would propose to refer to arbitration?—I should have no objection if the Board of Trade after hearing us came to the conclusion that it was a fit subject to be referred to arbitration; the expenses of the arbitration of course being provided for properly.

812. Questions have been raised as to whether charges upon traffic levied unequally as regards mileage, but as the companies contend, equally in spirit as regards the expense and advantage to them of the kind of traffic, are *bonâ fide* equal charges within the spirit of the enactment; is it your opinion that questions of that kind could properly be referred to arbitration?—I think they might. Personally, I should have no objection to arbitration even as to that, as long as it was confined to a question of fact; it would not do to refer a question of law to ordinary arbitrators.

813. Most of the questions in dispute upon that subject, are mixed questions of law and fact, so that it is not always possible to draw an absolute line of demarcation between them; but does your arrangement contemplate in practice that any security in that respect should be given against amalgamated companies?—Yes; because I take it for granted that the Board of Trade would not interfere, except in a case where the company were exceeding their powers.

814. You would give summary powers to this Board to enforce all these objects?—Yes.

815. Is

815. Is it your opinion that the general result of amalgamation would be to give greater security to railway property?—Yes.

816. And it would ensure to the public greater facilities with regard to the traffic?—I have no doubt of it.

817. And it would prevent future expenses in Parliamentary contests?—Yes, and the future construction of injudicious lines as compared with judicious lines for the country.

818. Of course it is part of the arrangement which you contemplate, that at the time of the amalgamation the capital account of the amalgamated company shall be specified and shall be closed?—Closed for the purpose of the revision of rates; I think that would be quite equitable.

819. Then in regard to the making of new lines, in every case in which the rate of dividend upon the capital was higher than the market rate of interest, there would be an object, on the part of the company, to be permitted by Parliament to expend capital in the creation of new lines?—Yes, clearly.

820. With regard to districts where the construction of new lines was not remunerative, or in cases where the dividend of the company was not high enough to bring out the new capital at a premium, what facilities would you give to the locality if they wished to have a branch line to fall into the trunk line?—I think the company might be compelled to work those lines at the same average per centage cost as their own main lines were worked at, which would be a great gain to the branches, and they might be compelled at the point of junction to deal fairly with the traffic of the branches.

821. Supposing a company wished to increase its capital for a purpose that did not require compulsory powers, would it not be a great advantage if there were a general Bill brought into Parliament analogous to the Bill now introduced by the Inclosure Commissioners, for the purpose of obtaining the sanction of Parliament to such an increase of capital?—That would be very desirable; it would be a great saving of expense to companies.

822. Supposing, for instance, that the London and North Western Railway Company wished to lay down four lines instead of two lines, such a power would be available for such a purpose?—Yes.

823. Or if they wished to increase the station accommodation, or if they wished to make branch lines in a district where the landowners were agreed in the desire that branch lines should be made?—Yes.

824. All those would be powers which might, without public inconvenience, but, on the contrary, with public advantage, be exercised through a general Bill so to be introduced, instead of by private Bills to be conducted under the present system?—Yes.

825. Then, in short, what you contemplate is security given to the companies against competition, not in the shape of an absolute pledge on the part of Parliament, but in the shape of encouraging amalgamation and discouraging running clauses, and maintaining the report of the Gauge Commissioners?—Yes, and discouraging the theory of competition, which is the root of most of the mischief at present.

826. Those are the securities which you propose to give to the present companies?—Yes.

827. And, on the other side, you propose to give to the public periodical revision, official audit, and closed capital, and power to interfere, in a summary manner, by arbitration, for the convenience of the public, especially at points of junction?—Yes.

828. And a power for rural districts to make new branch lines, wherever they could establish a reasonable case to justify it?—Yes, if the company themselves declined to make those lines.

829. Mr. *E. Denison.*] You used the expression "discouraging competition," but you would want something in the nature of a positive assurance to that effect?—Yes, certainly; I think there ought to be something in the nature of a positive assurance.

830. If a district were handed over to a company, you would not leave it as a matter of doubt whether that company was to have the possession of the district or not?—I have said that I think other parties ought not to make the lines, if the company were willing to make them. It might be competent, for instance, for the Board of Trade to require, upon the demand of the district, that the company should make a particular line, and to introduce a Bill, or let the local parties

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introduce a Bill, to compel the company to make it, and let the company be heard against the Bill, Parliament then doing what was right in the matter.

831. But when an arrangement of this nature was entered into, something positive and definite must be come to at the time; for instance, the company must know that it is to have the district, and what is to be done about running clauses with other lines, and so on, before it would be prepared to make the concessions with reference to the audit, and the control on all the points you have named?—Certainly; but I am assuming that this Committee came to certain conclusions, and that the House adopted those conclusions, and that by an amendment of the Standing Orders, or by the intervention of the Government from time to time, those resolutions should be effectually carried out in a fair spirit towards the companies.

832. It must be something more positive than the mere discouragement of competition; it must be an absolute decision on the part of Parliament as to its future principle of legislation with regard to railways?—Certainly; I assume that Parliament would adopt the recommendations of this Committee, and that they would form the basis of future legislation.

833. Mr. *W. Patten.*] You say you would discourage running clauses as one part of the scheme; to what extent would you discourage them?—I would discourage them altogether, although I would provide for the passage of the traffic at the point of junction in the way I have suggested; I would have the traffic forwarded in the manner thought satisfactory by the public board if there were any dispute about it between the two companies.

834. But would you not allow any other company to have the power of going on your line, subject to your control?—No.

835. Would you object to a company having the power of sending trains over your line under your own direction with your own engines?—Their traffic should be forwarded by us over our line, but they should not have the profit of it upon our lines, or the use of our offices, &c.

836. You do not include in running powers the sending independent trains, provided they are subject to your own control as to the time they should run?—To this extent I do not; any company may send traffic over our line if it likes, on paying us the tolls granted to us by Parliament, which is our profit, and which I consider should be left to us as our profit.

837. You would not take away the present powers which the companies possess in that respect?—No; and I will give an instance to show the monstrous injustice of taking away those profits of companies. There may be a little railway which has cost 10,000*l.* a mile; that company might propose to use, on payment of lower than the Parliamentary tolls, another company's line in order to compete with it, which other line has cost 50,000*l.* a mile. I consider that it would be a monstrous injustice that they should have the right of doing that. Or supposing my company made a railway into London, and that by reason of the objections of the landowners at the time it was slightly circuitous, and that some other company came five years afterwards and said they would cut off the angle, and then use my line to get into London, I think that would be a monstrous injustice. If that company is content to send its traffic, and pay me the toll which Parliament granted me, I cannot now object to that as respects my line. But to claim to have it left to arbitration from day to day what they shall pay me for running over my line, which enables them to compete with me, would be a monstrous injustice. And as to the use of stations the injustice is still greater, as I could easily show.

838. *Chairman.*] You would not allow what is called a foreign company to run engines of their own on your line; but supposing they sent a considerable amount of traffic, and it was an object for their purposes that there should be no change of carriage at the junction, you would include them in all the benefits of the system of clearing; and, where the traffic justified it, the same carriage would be sent forward to its destination?—The same carriage might go forward in the case you put; but when you come to the question of clearing, that is another affair, because that involves the two who may be competitors in a system of joint contracts, and the traffic would be divided under that contract. In the case you put, the company should find its own station at the end of the journey, and do its own business there.

839. Supposing it answered the purpose of the Glasgow and South Western Railway Company to send traffic by way of their line joining yours at Gretna, and

and that they practically competed for part of that traffic from Glasgow, your relations with the Caledonian Railway Company being more intimate, would you not give them the advantage of sending their passengers from Glasgow to London in the same carriages, if the Caledonian Railway Company had the advantage of going on, without change of carriage?—Yes; but I would not let them use my stations and offices for the purpose of competing with me; that does not seem to me to be equitable, or even consistent with the notion of competition which the question assumes the existence of in that case.

840. But passengers having left Glasgow in a carriage, and travelled in it to Gretna, you would give them every fair convenience with regard to not being compelled to change carriages; and in that, as in all other respects, they would have free passage over the trunk line, and be forwarded to London?—Yes, whenever the traffic was such as to warrant it in the opinion of the Board of Trade; but they should not bring a carriage half loaded, and require that to be carried on; of course there must be somebody to settle questions of that kind.

841. The system of arbitration to which you have pointed would have scope in a case of that kind?—Yes.

842. With regard to past railway legislation, you have been examined as a witness on former occasions; for instance, you were examined by the Committee in 1844?—Yes, I was.

843. In 1846 also was there not a Committee?—I think it was later than that; in 1847 or 1848.

844. Have the views which the general committees have recommended been commonly acted upon by special committees, to which individual bills have been referred?—I should say they have been almost universally disregarded; each Committee appears to decide according to the facts which are brought before them, and altogether irrespective of any general principle.

845. Mr. *W. Patten.*] Or of any general recommendation?—Yes; and they also act differently from each other, but I think I may say that they are uniform in one respect, viz., in not acting upon any general principle.

846. *Chairman.*] Then the system of railway legislation hitherto has been rather haphazard and chance medley, than the carrying out of any general principle and purpose?—Yes, my experience obliges me to state that not only have different Committees decided differently, but even the same Committees have decided differently on the same general principle or question.

847. Mr. *Henley.*] Upon different evidence?—Some little trivial question, arising between two companies, has disposed of the case, altogether irrespective of any general principle.

848. *Chairman.*] Is it an easy matter for five gentlemen, placed on the special Committee, to dive to the bottom of the questions which are involved in some of the disputes between railway companies?—No, I think not, because each party brings forward what he considers the strongest part of his case, and does not bring forward the whole case; and the result is, that the Committee have not the means, and they have not often the inclination, to deal with any but the little question which is raised before them.

849. And there are some questions in the back ground, which it is not the interest of any of the companies contesting to bring to the notice of the Committee?—Yes; and when one company does bring to the notice of the Committee some general principle or some point affecting the public interests, the other company will remind the Committee that they can take care of the public interests; and the Committee generally adopt that plan of shortening their labours.

850. Has the principle of competition been bandied about a great deal in those special Committees?—Yes.

851. A company may be the advocate of competition in one Committee-room, and of combination in another Committee-room?—Yes; I have known the Great Western Railway Company to make out both propositions successfully before committees, and other companies also.

852. Mr. *W. Patten.*] Each company may be placed in that position?—Yes. We do happen to have been consistent on the question of competition; I do not take much praise for it, but we have always said the same thing on the subject of competition; that it could never last, and that it must always end in combination.

853. You have found yourself in this position, that you have been obliged to promote

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promote competing lines in defence of your own interests?—Yes; we have promoted lines, in fact, that were competing lines, but they were defensive lines; for instance, if a company has proposed a line to compete with us, then we have proposed another line to protect ourselves; the necessity for that is one great defect of the present system, and should be prevented, in my opinion, for the sake of the public.

854. *Chairman.*] You think the earlier Parliament can be awakened to the necessity of looking forward, and taking general views, the more likely the ultimate settlement of the railway question is to subserve the public interests?—Yes; it is much more difficult to settle it now than it was 10 years ago; and 10 years hence it will be still more difficult, if not impossible, to settle it, except on terms ruinous to the shareholders and most injurious to the general public.

855. With regard to the amalgamation of railways and canals, probably you are not the best person for the Committee to examine upon the subject of the particular relations of the North Western Railway Company with links of canal communication; you are aware that the conduct of the North Western Railway Company has been arraigned in that particular?—Yes; I am not here to account for all the alleged misdoings of the North Western Railway Company. I have nothing to do with the practical working of their undertaking.

856. Can you give us your opinion upon the general question of the amalgamation of railways with canals?—I should have thought that Parliament would have acted more wisely if they had not permitted any amalgamation of railways with canals; but Parliament have done it, and have persisted in doing it, to the extent of 30 or 40 cases, and what the meaning therefore is of all the clamour that is now raised against amalgamations, as if it were something new, I cannot understand.

857. Supposing it were possible, with justice to all parties concerned, for Parliament to retrace its steps, you think it would be wise to do so?—Yes; and I think railways would be obliged to you to take the canals back, if you would take them altogether, and restore all parties to their original position.

858. Mr. *W. Patten.*] Was there not a recommendation from a public Committee that the canals should not be allowed to amalgamate with railways?—I think it was not put quite so strongly as that in the Report, but no doubt the leaning of the Report was against such amalgamations.

859. Was there not a distinct recommendation of a Committee of the House of Commons, 10 years since, that the amalgamation of a railway with a canal should be permitted with the greatest possible caution?—It was something to that effect.

860. Do you think that that caution has been observed by Committees since?—No, quite the contrary; but I think as much caution has been observed in that as in anything else with regard to railway legislation.

861. *Chairman.*] I presume the principal reason why canals were amalgamated with railways was, that the railway companies wished to buy off the opposition, which would otherwise have been offered by the shareholders of the canal to the construction of a railway in the district served by that canal?—I have no doubt that that was frequently the case; perhaps generally.

862. Then probably the injustice of Parliament retracing its steps would be, that it would deprive the shareholders of those canals of a guarantee which had been secured to them by Parliament, rather than that it would rob the railway company of any valuable property which they possess?—Yes, I think that would be so generally.

863. If a general amalgamation of canals were to be promoted for the purpose of their competing with railroads, would that be any hardship of which the railway interest would have any right to complain?—As far as my own experience goes, I should say the railway companies would be very glad to let the canals (taking them altogether) go back to the original owners, because they have generally been bought under the circumstances you have mentioned, and have proved rather onerous than otherwise.

864. Mr. *Henley.*] That is, the purpose of the railway companies having been served in the opposition of the canals having been got rid of, the railway companies would be willing now to give them up again?—My notion is, that the canals were forced upon railway companies against their will, and that they therefore would be willing to give them up.

865. But having been forced upon them by reason of their opposition to the railway companies coming and competing with them, the railway company having taken them as the lesser of two evils, and having held them since, and sent their traffic partly upon the railroad and partly upon the canals, would now be willing to give them up?—Yes; they would be willing to take the chance of competing with the canals, I should think.

866. That is to say, having got rid of the opposition which the canal companies might have made in the first instance, by taking those canals, they would now be very glad to take the chance of competing with them?—Yes; but I am not supposing that the railway companies would propose to do that which would be a breach of faith towards the canal shareholders; I merely made the remark in reply to the question asked me.

867. *Chairman.*] You do not contemplate any breach of faith with regard to the guarantees which have been given to canal companies; but you are speaking of the effect of those amalgamations as regards the public interests, and as regards the interests of the railway companies?—Yes. If I am asked whether the great object that the railways had in amalgamating with the canals was for the purpose of stopping them up, I say that that is not the fact; and if it were supposed to be so, the best answer would be, I should think, that the railway companies would be very glad to let the canals go back to their original owners.

868. As far as public policy is concerned, you do not doubt the importance of securing free intercourse from one end to the other of a canal communication, unchecked by the amalgamation of one part of that canal with the railway company?—No; but that must of course now be subject to the rights that the railway companies have acquired, as well as the canal shareholders.

869. But consistently with that, it would, in your opinion, be right for Parliament to secure that end?—Yes.

870. Mr. *W. Patten.*] Do you think that the London and North Western Railway Company would not object to let the canal communication between London and the manufacturing districts of Lancashire revert to its former state?—I am not authorised to give any part of my evidence on behalf of the London and North Western Railway Company, or of any client of mine; but my impression is, that the London and North Western Railway Company would be happy to get rid of all the canals that they have anything to do with, all being taken together.

871. Are you aware how many canals between Lancashire and London the London and North Western Railway are interested in?—I think the Birmingham Canal and the Shropshire Union are all the canals they are interested in; I may be allowed to add, that I think the value of competition is a little over estimated, even as regards competition on the part of canals with each other or with railways; for everybody knows that canal companies and railway companies do not compete very much, even when they are supposed to be competitors, nor canal companies with each other.

872. *Chairman.*] There is an understanding with reference to the traffic between railway companies and canal companies?—I have understood so, even with those canal companies which most loudly complain of the railway companies to this Committee.

873. With regard to running clauses, I omitted to ask you, supposing running clauses to be granted, would they be exercised for the supposed or real advantage of the public, or would some other consequence be more likely to result from running powers being conferred upon railway companies?—I suppose that the real object of companies obtaining those powers, generally speaking, is that they may be bought off; they would not be used to any great extent, except in that way.

874. Then you regard it rather as a financial question with the railway companies, than as a question of affording more or less free transit from one district to another?—Yes. I gave the instance of the two Shrewsbury companies, which made the distinct offer to us: "If you will give us so much per week we will not run into your district;" and that would be the ultimate effect everywhere, I have no doubt. But it would be very hard upon the company that owned the line, because you would be giving some of their profit to another company that was not entitled to it, without conferring the smallest advantage on the public.

875. Under the present system of railway legislation, it is not always obvious to the Committee upon the Bill, whether the company which appears before them

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them as promoters of the Bill be really an independent company, or whether the Bill be promoted by an existing company in the name of the new company?—No; and such Bills are promoted occasionally by parties who do not mean to use the power granted to them, but to sell it to some other and opposing interest, to whom Parliament afterwards transfers it; and this heightens the injustice of the whole proceeding.

876. It may be for the interest of a great company, which is the promoter of a Bill, not to make the line even when the Bill is passed; but after the sanction of Parliament has been gained, to a certain extent to use it *in terrorem* against its competitors, and to obtain terms?—Yes; I have no doubt that has been largely done, and this will account for the not making of many lines which have been granted.

877. With regard to railway accommodation through a populous district, is it more likely to subserve the public convenience that the present company should lay down four sets of rails instead of two sets, they using the same stations; or that there should be a new line of railway parallel with it, having distinct stations and independent trains, and different termini?—I have no doubt that the public would be better served by the whole being in one hand.

878. Will you explain the mode in which the public would be benefitted by that?—An Honourable Member, not now present, Mr. Bright, suggested that 10 years hence one railway might have too much traffic upon it; if that be so there ought to be a second line, but that would not appear to me a good reason why there should be two companies in the district. It seems to me that the mere possibility which the Honourable Member put, of a second line being required, justifies me in saying that the second line ought to belong to the owners of the first line; competition, as I have said before, not being ever obtained, because there are two lines, and the cost of the two, with the needful stations separately for each, if owned by separate companies, being, of course, much greater than if the one company had both lines using the same stations, the cost of stations (particularly in large towns) being immense, and the public paying dividends on the total outlay.

879. You think that, if a second line were granted, a combination would take place with the first line; and that, therefore, the only result would be, that the expense of obtaining the line and making new stations and other matters, which the public would have to pay for, would be incurred?—Yes.

880. Would it be more convenient that there should be separate lines for carrying on the slow and fast traffic; that on one line there should be slow trains for the coal traffic, and so on, and on the other fast trains?—Separate companies would not be necessary for that object; but that is a question of management, which I do not much understand. The Honourable Member for Manchester asked me to put in a paper, which I referred to on Monday, as to competition in the case of the American railroads. I have it in my hand.

[*The same was delivered in, and is as follows:*]

EXTRACT from "The American Railroad Journal," dated 20 November 1852.

RAILROAD CONVENTION at *Springfield*, on Wednesday, 10 November 1852.

IN our issue of October 9th we gave a brief report of the doings of the General Railroad Convention at Springfield, on the 24th and 25th of August last, the journal of its proceedings having been published by order of the convention.

This convention adjourned to meet at the same place on the 10th of November instant, at two o'clock, P. M. The officers appointed at the first meeting were as follows:

PRESIDENT:—Thomas Hopkinson, of the Boston and Worcester Railroad Company.

VICE-PRESIDENTS:—William W. Boardman, of the New York and New Haven Railroad Company; Isaac Spaulding, of the Concord Railroad Company; John P. Jackson, of the New Jersey Railroad; E. D. Morgan, of the Hudson River Railroad.

SECRETARY;—William P. Burrell, of the New York and New Haven Railroad Company.

ASSISTANT SECRETARY:—Southworth Shaw, of the Boston and Maine Railroad Company.

The meeting on the 10th instant was fully attended. Mr. Hopkinson, president of the association, in the chair.

Hon-

Hon. J. W. White, president of the Norwich and Worcester Railroad Company, chairman of the committee appointed at the previous meeting, on the subject of "competition" between different roads, submitted a report on the subject, with the following resolutions:

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"Resolved, That in the opinion of this convention the value of railroad stock would be much enhanced, and dividends increased, by a more harmonious action and friendly co-operation among all the lines of railways throughout the country.

"Resolved, That in the opinion of this convention, whenever two or more lines of railway come into direct competition for freight or passengers, mutual forbearance should be manifested by all concerned, and every effort should be used by the parties to benefit, rather than injure, each other.

"Resolved, That whenever competing lines are unable to arrange their differences, this convention recommend that a third party be called in, either to act as a friendly adviser or as legal referee."

On this report an animated discussion took place, in which Messrs. Poor, White, De Witt, Whittemore, Clapp, Hopkinson, Paine, Crane, Banks, Burden, and Boardman took part, and the resolutions were unanimously adopted.

Mr. Phelps, of the New York and Erie Railroad, called up the question introduced at the former meeting, in relation to the rule requiring passengers to purchase tickets before taking seats in the cars, and charging an additional sum for a neglect of this rule.

On this subject a long discussion was had, and a motion was made that all companies connected with the association should require the enforcement of previous payment as an absolute rule.

The question was taken by companies, and adopted by large vote.

Various other topics were introduced in relation to the railway management, which was referred to appropriate committees.

Mr. Jackson, of New Jersey, introduced a resolution to the effect, that the compensation for carrying the United States Mail was altogether inadequate to the service performed.

This resolution was referred to a committee of five, who subsequently reported that the whole subject matter be referred to a committee of seven, with instructions to prepare forthwith a memorial to Congress and to the Postmaster-general, and take such further measures as they might think necessary to secure the co-operation of the railroad interest of the country, and to carry out the views of the convention.

The report was adopted, and the following gentlemen appointed the committee:—

Thomas Hopkinson, of Massachusetts.
John P. Jackson, of New Jersey.
Isaac Spaulding, of New Hampshire.
John A. Poor, of Maine.
Charles Paine, of Vermont.
W. P. Burrell, of Connecticut.
Mr. Phelps, of the New York and Erie Railroad Company.

On motion of Mr. Jackson, of New Jersey, it was voted, "That the president of the association be invited to deliver an address before the association at its next meeting."

After passing several votes of thanks, and providing for the publication of the "Journal" of the proceedings of the association, it was voted, "That next meeting of the association, which shall be regarded as the annual meeting, shall be holden at Saratoga Springs on the last Wednesday of June next, at which time the election of officers shall take place; and that all the railroad companies in the United States be invited to take part in its proceedings."

Thereupon the convention adjourned.

881. Mr. *M. Milnes.*] Have you found any considerable inconvenience to result from the large number of Railway Acts connected with your company?—I have no doubt that it is inconvenient to have many Acts.

882. Have you given your attention to the possibility of codifying those Acts, so as to obviate the difficulties that arise?—I am afraid that is impossible; you would have to codify them every Session, and I am afraid that practically it could not be done. It would be very unjust towards landowners particularly, and other parties who have acquired rights under Acts of Parliament, to compel them to come, Session after Session, in order to protect their rights; and yet that must be done in such a case as you suppose. It is no doubt very desirable, if it is attainable.

Robert Stephenson, Esquire, a Member of the House, Examined.

883. *Chairman.*] THERE can be no necessity to introduce you to the Committee; I will therefore begin by asking you whether you have lately been revolving in your mind the difficult questions which are referred to this Committee

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mittee for consideration, particularly that of the amalgamation of railways?—I have.

884. Will you be so good as to tell the Committee whether you think the true policy of Parliament is to encourage or discourage an extensive system of amalgamation?—I think it is to encourage amalgamation decidedly.

885. A dictum has been quoted from you, that, where combination is possible, competition is impossible; do you believe that to be applicable to the condition of railway companies at the present time?—I do.

886. You believe that eventually amalgamation, or combination of interest, is sure to result; and that therefore the question is, whether we shall regulate the process by which that result is to be attained, or whether we shall leave it to take care of itself?—Exactly so.

887. Are you of opinion that, by prudent precautions now taken, Parliament might so regulate that process as to secure great advantages to the public?—I think they might.

888. That might be accomplished consistently with the stability of the railway property, and would give it an increased value?—Yes.

889. That increased value arising, not from the larger contribution to be paid to them, but rather from increased security and confidence in the stability of the property?—Precisely.

890. Will you be so good as to state in what mode, in your opinion, that desirable object could be best attained; that is to say, what are the securities that ought to be given to the public, and what are the advantages which, in return for those securities, Parliament should confer upon the existing companies?—On that particular, I quite coincide with the views that have been so well described by Mr. Swift. I think the public require some protection, and at the same time I think railway companies ought to be protected against competition; but I believe the value of that protection to the public is very much over-rated. I believe that the interests of railway companies, and the interests of the public, are almost invariably identical.

891. But supposing the principle recommended by Mr. Swift to be introduced, and that by a periodical revision of the tariff the public were made sharers in the profit arising from increased traffic, would there be the stimulus of private advantage operating in future upon the railway companies?—The stimulus might be diminished in a slight degree, but I can hardly suppose that it would be diminished to a degree that would be appreciable.

892. Supposing the capital of the amalgamated company to be closed, and the rate of interest upon it to be so large as that the shares were already at a moderate premium, would there not be a continual stimulus upon companies to increase their gross receipts if it were the practice of Parliament to sanction an increase of their capital for the purpose of affording increased accommodation to the public?—Yes, I think that is very obvious, and I have seen it operate very extensively where railways have been prosperous.

893. In short the result of such an arrangement would, in your judgment, be to continue the same stimulus to companies under which they now act, while the surplus to be attained would probably be expended in part only in reduction of the tariff, and the other part would be expended in providing new and increased accommodation for the public?—It would be expended, I think, more readily in extending branch lines of railway, and consequently in increasing the accommodation of the public.

894. There are many difficult questions of detail, upon which different witnesses have been examined, as to the degree of control which it would be necessary to invest some body with, for the purpose of securing the due discharge of their functions by companies so powerful as those amalgamated companies would of necessity be; will you be so good as to direct your attention to that part of the case, and give us your opinion upon it?—I do not think that you can have any other tribunal than that of arbitration; perhaps preliminary reference to the Board of Trade might be desirable, but I think, rather than throw the responsibility upon them, it ought to be referred, perhaps under their direction, to persons who are really eminently qualified for deciding particular points that might arise.

895. Do you think that there would be any insuperable difficulty with reference to any company disposed to conduct itself with reasonable regard to the public convenience, in the Board of Trade appointing such an arbitrator as that

that company would willingly submit to have sent down, for the arrangement of any dispute which they and any portion of the public might unfortunately have?—I think there would be no objection to it. I do not think companies would be found to object to that course.

896. Do not you think that any company which vexatiously objected to a number of eminent persons successively proposed to it by the Board of Trade, would put itself so far in the wrong as to labour under a great disadvantage in the opinion of the public and of Parliament, when any complaint were made against them?—I have never found companies to any extent actuated by that spirit.

897. Do you think that that would be a reasonable safeguard to the public?—Yes, I think it would.

898. The plan suggested to us by Mr. Swift, and in which you have expressed your concurrence, amounted to this, that protection should be given to the existing railway companies, each within its own district, not by absolutely pledging the faith of Parliament, but by a determination on the part of Parliament to discourage the means which are usually resorted to for the purpose of competition, and that that protection having been granted by Parliament, the railway companies on the other side, should submit to audit, periodical revision of the tariff, and a control such as that to which you have just pointed?—I believe that would meet the difficulties of the case almost entirely.

899. Do you believe that the beneficial results which we spoke of at the commencement of your evidence can be attained both by the shareholders and by the public, by adopting some such arrangement as that now spoken of?—I have no doubt whatever of it.

900. Do you think the question of closing the capital account, and the question of adjusting for each amalgamated company a fair maximum dividend, with a view to a periodical revision, though questions of great difficulty, ought to be regarded as insuperable?—Certainly not; I see no objection whatever to reducing the present scale of the per-centage clause in Mr. Gladstone's Bill, to 6½ or 7, or even 6 per cent. I do not think railway property is ever likely to rise much above that per-centage again.

901. Probably the particular figure that was to be fixed in the case of any companies to be amalgamated would differ according to the present position and reasonable prospect of the companies about to be associated?—Yes, that is an element that would deserve consideration.

902. That is a thing which you think might be settled by Parliament with fairness and propriety at the time of affecting the amalgamation?—Yes, I think so; I do not think there would be any difficulty in effecting that.

903. Would that kind of arrangement to which you have pointed, lead to a very extensive amalgamation of railway interests throughout the kingdom?—The more extensive it were, in my opinion, the better.

904. And is it not probable, that when Parliament had sanctioned the principle, the result would be almost certain of an amalgamation of the railway companies?—In a few years, I think we should have the whole of the railways in the kingdom consolidated; it might be 10 or 12 years, but it would go on gradually till all the interests were absorbed in one.

905. Is there such natural antagonism of interest among the different railway companies as should exclude them from the possibility of falling into such an arrangement?—No; I do not see any difficulty in going into the case of each, and adjusting them equitably.

906. Railway accounts are much better understood now than they were some years ago?—Yes; and railways are better managed altogether.

907. And if the arrangement were carried on in a liberal spirit on all sides, the questions which would arise, would be questions which men of competent experience and undoubted character might settle fairly, both between the railway companies and between the companies and the public?—I think so. I would beg again to say, that the public I think really are very well protected; but there is no objection to give them the other, which I should call imaginary protection. I believe they have protection now by the natural course of events. I cannot refer, as an illustration of that, to a better case perhaps than that which occurs in the vicinity of my own native town, Newcastle, where railways grew up very gradually; short lines were first of all made, and they were scattered about the face of the country, each of them acting independently; they have since

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since become gradually amalgamated. When antagonistic, they were unprofitable, but since they have been brought into one nucleus; since there has been one management, and one view to accommodate the public, they have have become profitable, and there are some very remarkable circumstances in that amalgamation; the line north of York, what is now called the York, Newcastle, and Berwick Railway, consists of ten distinct amalgamated lines, which have been amalgamated from time to time, and as they have become amalgamated the simplicity of working them has very much increased, and the safety of the public has been very much increased. For instance, I will take a case which has really happened in former times: when the mail train from Edinburgh arrived at Newcastle, it had to pass over from the York, Newcastle, and Berwick line on to the Brandling Junction, whilst the Brandling Junction was working its own proper traffic between Newcastle and Sunderland; the trains had a great number of stoppages, with a view to accommodate the public there, and frequently the mail train from Edinburgh arrived just as the train of the Brandling Junction was going away; the two companies have no sympathy with each other; then the slow train of the Brandling Junction Company went away, and the mail train was obliged to dodge behind; that was a very serious inconvenience, and involved great danger. Then, as regards the management of the traffic, great inconvenience arises from the mixture of a great many interests. The managers have, perhaps, different views as to the regulation of their traffic; they have to mix their traffic, and quarrels and discussions arise which extend from the agents of the company to the Boards of Directors, and the whole sytem becomes disorganized, and the public suffer most materially, not only in irregularity, but in danger. With regard to the protection of the public, and particularly with regard to the question which you put to Mr. Swift, whether the tendency would not be, when amalgamation took place, to diminish the number of trains, I believe that the interests of the public and the maintaining the number of trains are so identical that no railway company would find it to their interest to reduce the number of trains; I will quote an instance which has occurred very recently at Newcastle; the collieries in that district are scattered about, and the population is very much distributed; in order to bring the people to market on the Saturday, a train called the market train was established, which stopped at all the stations and picked up a great many persons, and carried them for a very small sum; the line is 15 miles long, and they charge them 1*s.* 3*d.* there and back, return tickets. A change of management took place; some new directors came in, and thought they could make that train yield more by charging more money; it was a very favourite train, and they thought that people must come to market, and that therefore they might increase the fare; they increased the fare from 1*s.* 3*d.* to 2*s.* 4*d.*; the effect was that whereas this train had been regularly before this carrying on an average 240 persons, the moment they raised the fare (there was no time whatever between) the numbers sunk down to 37, and although they have lowered the fare again, the public were so disgusted that it will take a long time before they get the traffic back again.

908. How did the public go at the time that diminution took place?—They did not go, or they walked, or they went by some other conveyance; the same thing does not apply to the long traffic; the long traffic cannot be excited by a saving of money; between London and Edinburgh you cannot excite the traffic, but between Newcastle and Darlington you can; wherever you introduce time as an element for the main journey, you cannot excite the public to travel much more.

909. Mr. *M. Milnes.*] Is not that case which you have given, a very striking example that a company may suppose that their own profits are very distinct from the advantage of the public, and act upon that supposition?—No; I bring that forward to show how suicidal it would be.

910. But suicidal as it was it took place, and it may take place again?—They made the experiment, and if the public had not suffered much, or if the passengers had not been of a class to attach great importance to the fare paid, the number of passengers would not have become reduced to so great an extent.

911. Colonel *Mure.*] Did not the experiment cause considerable inconvenience to the public, who were thrown out of their former means of transit?—No doubt it did.

912. I think the lines in the north of England to which you have referred are lines

lines where the amalgamations involve questions as to the facilities of the public, but do not involve the question of competition; there are continuous lines from York to Newcastle and Edinburgh?—There are no actually competing lines there; there were some lines competing to a small extent, but very small.

913. *Chairman.*] You said that you could stimulate the local traffic by low fares, but that you could not stimulate the long traffic by low fares; the converse of that would appear to be, that with regard to the long traffic, supposing you had conferred a monopoly upon the companies, they could raise the fares without its causing a proportionate diminution in the amount of the traffic?—They could raise the fares if they were taking less than their maximum, but at present nearly all the railway companies are taking their maximum or very nearly, and therefore the railway companies have not the power of raising the fares for long distances.

914. But in contemplating such amalgamation, we look forward to a great increase of profit from the growing traffic of the country, and from no new expenditure being incurred, and therefore we look to giving a benefit to the public by a periodical revision of the traffic; would it not therefore be necessary to have a control of some kind upon the power of the company to diminish the convenience of the public by keeping up the fares with regard to the long traffic, where, as you say, the consequence would not follow of a diminution of the traffic if the fares were raised?—I apprehend that the revision of the tariff which railway companies would be fairly subject to, and ought to be subject to, would be a sufficient guarantee against that being carried on for any length of time.

915. Colonel *Mure.*] Do you think that in the case you spoke of, that sudden deprivation to the passengers by the railway of their usual facilities, and the diminution of the number travelling, would have taken place if there had been a competing line in the neighbourhood, by which they could have been accommodated to a certain extent?—I dare say that that would not have taken place, but that something else would have taken place that might have been injurious to the public. The two companies would very probably have combined together; though designed as competing lines, it is impossible to maintain them as such. And then you have the capitals of the two companies to deal with afterwards, and therefore ultimately it must be, in my opinion, injurious to the public. I will mention another case, showing how far the fares charged upon short lines affect the number of passengers: Between Newcastle and Sunderland is a distance of 12 miles. Perhaps I had better explain that this company, from various circumstances, had become very depressed, the shareholders were very discontented; their dividend appeared to be looking downwards, and the directors were urged to reconsider all the arrangements of the traffic. Some of the arrangements were supposed to be very injurious and unprofitable to the company. They were impelled therefore to consider what method they could devise for raising the income of the company, and improving its condition; the first thing that they looked to was, whether they could not raise the fares; they were told that it would not answer from Newcastle to Sunderland, the passengers were charged a shilling; that was very much under what the company were entitled to charge by their Act, and they thought they could raise the fares to 2*s.* The trains before this alteration had usually carried on the average 408; and when this alteration took place, they sunk down to 72; I refer to these cases, and I could quote others with a view to show that the interests of the railway company, and the interests of the public are identical as regards fares, except as regards long fares. Now, as regards long fares, there is a curious contrast to this in the traffic between London and Edinburgh; the real through traffic from London to Edinburgh, which I obtained from the clearing house, is equal to 3*s.* a mile; that is, running through the whole distance; there are three trains a day running each way along the east coast, to accommodate the traffic; the dispatch required for the long distances reduces the income per train between Edinburgh and London proper, to 6*d.* a mile, so that those trains, as far as Edinburgh is concerned, upon which was based the case of the London and York Railway Company, one of their objects being to accommodate the Edinburgh traffic, yield only 6*d.* a mile; the real cost of that train is much more, but it pays by the local traffic; by lowering the fares even a pound, from London to Edinburgh, I do not think you would increase the number of passengers appreciably.

916. *Chairman.*] Is it not the fact, that wherever there is steam-boat accommodation

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modation with which you compete, you give great advantages to the public in the fares that you charge?—Yes.

917. Is not the fare by railroad from London to Aberdeen the same as from London to Edinburgh?—I am not aware.

918. Mr. *Henley*.] You have stated that the receipt per mile from London to Edinburgh was reduced to 6*d*., in consequence of some trains upon the Eastern Coast?—No, I did not say that it was in consequence of that; the real fact is, that the trains which were originally London and Edinburgh trains direct, stop of course at intermediate places; the income upon those trains is equal to 6*d*. a mile.

919. The gross receipts being 3*s*. a mile?—It is 3*s*. a mile with reference to the three trains each way, and the 6*d*. is of course a sixth part of 3*s*.; it is merely another way of putting it.

920. The actual freight paid by parties going from London to Edinburgh only amounted to 6*d*. per mile, the rest of the receipt of the company was made up by taking short passengers over parts of the line?—Precisely.

921. You have stated also that with regard to what you would call short and long traffic they were exactly the opposite of one another; that the reduction of fares in what you term the short traffic may stimulate the traffic very much, but that in the long traffic it could not do so. May I ask what would be your division as to what you would call short and what you would call a long traffic?—I could hardly define them, but 20 or 30 miles would be short traffic, but wherever the element of time becomes important, then the stimulus of low fares ceases.

922. You think that, with regard to the long traffic, where time becomes of consequence, the railway companies could go up to their maximum, without driving the traffic off the line?—Yes, or nearly so; perhaps the majority of railway companies are now charging for first class passengers the maximum fares; but I do not think all of them are doing so.

923. As regards those passengers that went long distances, where time would enter very materially into the consideration, you think the companies could raise the fares to the maximum allowed by law, without any risk of diminishing the traffic?—I think so. I referred to that, in order to show to the Committee the great impropriety of attempting anything like an equal mileage rate on railways. I can elucidate that in a very remarkable manner, and show the injustice that the carrying out of that principle would inflict upon some railway companies, especially where goods are concerned. I will take the case of the Great North of England Railway, from Newcastle coal field towards York, and towards the rivers Tees and Tyne: in one direction there were 5,450,000 tons of coals carried over one mile, which was equal to 320,588 over one mile for each engine; there having been employed by the York, Newcastle and Berwick Railway Company, for the performance of that duty, 17 engines. Towards York, where the distance was greater, and the gradients were better, and the loads heavier, and the work more uniform, 13 engines took 14,435,000 tons over one mile, which was equal to 1,110,000 tons for each engine over a mile; in the other case, the duty that one engine performed was carrying 320,588 tons over a mile; therefore in this case one engine has done 3.466 more work than the other engine, so that on the first line it cost the company nearly four times as much as it cost them for doing the same duty on the other line. On the one line there are a number of collieries; the engines have to stop and pick up the traffic, and the railway waggons do not average perhaps more than seven or eight miles per day, whereas in the other case they work for hours continuously, and with heavier loads, and no stoppages.

924. You give that as an illustration of your view, that, with reference to passengers, fares, railroad companies ought not to be obliged to charge all parties the same mileage rate, but it should be optional with them to charge some higher and some lower?—Exactly.

925. You put that as an instance of the injustice of tying the companies down to charging the same mileage rate?—I put the case of passengers first, and then the case of goods next.

926. *Chairman*.] What you object to is, not to the spirit of the equal rates clause; but you say that, if carried out in the letter, it would not operate as intended by the spirit of the enactment?—Certainly not.

927. Do you think that the system of arbitration is a proper system to be applied to cases of that kind?—Yes, when questions arose between companies, but

but I think they would adjust them between themselves. I will take a case to show that at present, from there not being an amalgamation, traffic is diverted from its proper line: a great deal of alkali is made on the Tyne, and a very large quantity of salt has to come from Cheshire; there is no difficulty in determining how it ought to come, viz., by the York, Newcastle, and Berwick line, but that railway does not bring a ton of it; there is an intermediate company between Cheshire and Newcastle, which I will not name, whose interest it is to make the port of Hull the destination of all the salt that has to get to Newcastle.

928. You mean that it is carried to Hull, and then to Newcastle by ship?—Yes; it does not go direct to Newcastle.

929. It has to go to Hull, and then through the process of shipment to get to Newcastle?—Yes; but an amalgamation would remedy that, and then the salt would go by the York, Newcastle, and Berwick line. Then, again, commercial parties in Newcastle want to ship cotton to Hamburgh, but they cannot get the cotton brought direct from Manchester; nine-tenths of it go to Hull. But when an amalgamation takes place, if sanctioned by Parliament, that inducement will not exist; and therefore it is very difficult to draw the line where amalgamations ought to stop, because the interests of these lines, in order that they may carry on the traffic most expeditiously and most economically, ought to be made identical, and they can only be made so by amalgamation. At present we have a system of railways extending east and west, whereas the traffic which it controls or interferes with is running north and south; it stops it going north and south, and turns it the other way. If an amalgamation took place, all that would cease.

930. Colonel *Mure.*] Could not those companies have made an arrangement among themselves, which would have obviated this difficulty, and then have come to Parliament afterwards to sanction it?—Not in this case, for it so happens that attempts have been made which have not been successful.

931. There were some peculiar difficulties?—Yes.

932. Mr. *M. Milnes.*] Would you have any objection to mention any of the general circumstances in this supposed case, which would prevent a voluntary combination being made?—I can state them in a moment: the agents of the companies at Newcastle and in Cheshire, interested in carrying this salt, are allowed at the rate of a penny a ton for carrying the salt from Cheshire to Newcastle, and then they sit down and ascertain how that is to be divided. Then, if the salt goes direct to Newcastle, the agent gets 2*s.*; he says, "If I send it another way I shall get 4*s.*;" therefore it is arranged to send it by the longer route to Hull, instead of the shorter route to Newcastle.

933. *Chairman.*] A line might be an exceedingly short line to the salt pits, and being possessed of the key of the district in which the salt pits were, if there were other lines much longer than itself necessary to the salt reaching its eventual destination, that little bit of line might put itself up to auction between the competing lines, and it would be able to obtain for itself an unfair portion of the whole remuneration?—Quite so.

934. And it might send the salt round by a line, not for the benefit of the consignor or consignee?—Yes.

935. Mr. *M. Milnes.*] Then an amalgamation, to be effectual, must be compulsory?—No; I feel in a difficulty from not naming the company.

936. *Chairman.*] You had better give the name?—It is the case of the York and North Midland Railway Company. It is 24 miles long; if it goes to Hull it is 60 miles. That company is seeking to amalgamate with the York, Newcastle, and Berwick Railway Company at present. If the salt went direct to Newcastle, it would go over 24 miles; but if it were not amalgamated with the York, Newcastle, and Berwick Railway Company it would go over 60 miles; therefore the interest to send the salt round preponderates against sending it direct.

937. You mean that, by sending the salt off the line with which they propose to amalgamate, they make the proportions of the respective traffic appear more to their advantage than they otherwise would be?—Yes.

938. Mr. *M. Milnes.*] What would be the interest which would induce those companies to apply for amalgamation?—If amalgamations merely affected this portion of the traffic which is now turned aside, the company would have no interest in it; but there are great interests involved in amalgamation; for instance, having one establishment, and one system of working, and those far

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preponderate over the other object. So long as they are separate systems this matter is important, but it becomes quite secondary to the other interests involved in amalgamation.

939. *Chairman.*] Besides, you are contemplating a general amalgamation, and the results which will follow to the whole of the companies with reference to passengers and goods, when they are all combined?—Yes.

940. And you say that one advantage will be, that the traffic will flow in its natural channels, instead of being sent round from one place to another, according to the private interest of the company that first received it?—Yes.

941. With regard to small amalgamations, however, one would wish to draw your particular attention to some consequences that might result; in the district you have spoken of, amalgamations have taken place between competing lines, and one of those lines, the Leeds and Selby line, was shut up, there being two lines going from one point to another point, and the amalgamated company did not wish to be at the expense of maintaining both lines?—The line was never absolutely shut up, though practically it was so; there were some collieries on the line, and the company were obliged to keep it open. That arose from this circumstance; as between Leeds and York, the York and North Midland Railway Company had secured a better line; the Leeds and Selby line was on steep gradients, and was expensive to work; the other line, that formed a portion of the York and North Midland line, was an easy gradient line, and one engine could take, in fact, twice the amount of traffic round that it could take over the hill; therefore combining the two traffics into one enabled the companies, not to use one line and shut the other up, but it enabled them to take the traffic more economically round than they could do over the hill.

942. Was there any local traffic over this line which was prejudiced by the arrangement?—A very small traffic, except this coal traffic.

943. To put the general case, I will mention a case as an illustration; the Edinburgh and Glasgow, and the Caledonian Railway Companies, are now before Parliament for amalgamation. It might very well be, that one of those lines was better than the other for the through traffic between Edinburgh and Glasgow, and that therefore the other line, after amalgamation, would not run any trains at all; whether it be so in that instance or not, it is conceivable?—Yes, it is.

944. Would not some of the small towns, on a line that was disused, be subject to some hardship?—They would be exposed to some inconvenience; but I cannot conceive that it would not be to the interest of the company to give some accommodation; they might not have the same accommodation as they had before, but it would not be the interest of the company to prevent their having it altogether.

945. In the case of Parliament sanctioning amalgamations of that kind, you think local parties would be entitled to lay a complaint and ask for interference, if their interests were not properly considered?—If the company refuse to run any train, I think it is a fair question for reference.

946. Supposing this general amalgamation were attained, of which you have spoken, what would be the effect on the public service; I speak particularly of the Post-office and the War-office, for the movement of troops and ammunition; do you think the having to communicate with fewer persons and there being a more undivided control, would facilitate the arrangements?—I have not the least doubt of it; letters would go in a concentrated shape from the Post Office, instead of going in a divided shape; and no doubt that would be a convenience. With regard to troops, the facility of moving them would be greatly improved by having one or two parties to deal with, instead of six or seven parties. And if troops were required to be sent great distances, they would make some arrangement by telegraph, or by communicating in some way, that there might be no interruption, whereas now there is some difficulty. We are partly relieved from that by the electric telegraph, which enables you to communicate along the railways, and almost removes the inconvenience of the agent of the company not having heard that such a train is coming. There is one point in connexion with amalgamations upon which I should wish to say a word. There is a great apprehension that, after amalgamations have taken place, and competition has ceased, the tendency of railway companies will be to increase their fares. I have never known that to take place, or that in any one instance there has been a raising of the fares, except

except where the fare at which they were running was a ruinous fare; for instance, they were running at 5 *s.* from London to Birmingham; that was quite a ruinous fare; but except in those cases, companies have never charged more after amalgamation than they were charging before the amalgamation took place.

947. As companies are now charging generally up to their tariff, if no provision is made for an increase, but rather for a reduction of it, no evil in that respect can occur?—No; and one striking effect of amalgamation is to induce the company to cultivate the local traffic, and even the through traffic as much as possible; sometimes small companies do not cultivate traffic arising in their own district, because it goes for such a small distance over their line, that it is not worth their while; but when they become identified with a long through line, they cultivate a district which was formerly of no consequence to them; and that was very strikingly the case on a short line from Newcastle to Sunderland when it was a separate line. Up to the year 1844, the total quantity of goods carried between Newcastle and Sunderland was 8,668 tons per annum; but after the amalgamation, and after their interests became identical with the whole system in 1852, the quantity of goods carried amounted to 55,540 tons. On the North Shields Railway, which was another short line, the quantity of goods carried was 3,000 tons, and in 1850, after amalgamation, it was 20,270 tons.

948. Is that partly owing to the fact, that since the amalgamation they have driven off competitors, and therefore compelled the traffic to come upon their line?—There has been an increase of traffic on the railway from the traffic of the country having increased, but the increase on the railway is mainly attributable to the good understanding between the companies, and to the cultivation of the traffic throughout the district.

949. Is that increase owing to the railway having developed the traffic, and to the country having sent more produce than formerly, or is it owing to the fact that the railway company having by means of amalgamation become powerful, have crushed the canal or waggons, or whatever other means of communication existed?—It arose from the company feeling that upon the short line between North Shields and Newcastle, the income arising from goods, *plus* the terminal expenses, was not such that it was worth while for any one to send them or for the company to take them, but when it was prepared to run hundreds of miles then those goods which went by sea to different places were sent by railway.

950. Might it not very well happen that a branch line which was near the extremity of a now existing trunk line would contribute very little to the through traffic of that line, but would contribute to the through traffic of another line joining on to it, very largely, so that if the two trunk lines were amalgamated there would be an interest in the amalgamated line to encourage the branch, when there was no great interest in the part separated before amalgamation to do so?—That is quite clear.

951. Mr. *Henley*.] You have given a strong opinion in favour of amalgamation; I suppose you consider that it would save great expense in the management?—It would save very greatly; the expense, of course, would be less, comparatively as you increase the amalgamation; it will always have a tendency to simplify the arrangements, and to facilitate the interchange of the stock of the various railway companies, because at present that stock being divided amongst a great number is not always effectively employed on the railways; one company may have 50 waggons lying idle, while another company may want 50 waggons.

952. As part of the expense of management, may we not suppose that a less amount of rolling stock would suffice than now suffices for all the companies?—Yes.

953. That would extend to engines, passenger carriages, and to other carriages?—Yes; every description of stock and power upon the line would be diminished in amount.

954. You have stated, in answer to the Chairman, that you think amalgamation would give great facility for Post-office communication, and you have also added that it would give great facility, in a military point of view, for the transport of troops?—Yes.

955. That is quite consistent with a diminution in the total number of carriages?—Yes; because if you want to move a large number of troops in a particular locality, you can bring the whole stock of the amalgamated company to bear upon that locality.

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956. The power of stock of the amalgamated company would be greater though the whole number were diminished?—Certainly.

957. The advantage obtained by a union of the companies would over-ride the possible diminution in the whole number of carriages as regards the means of transport available?—Yes; but I did not mean that the railway companies would be able to reduce the amount of the rolling stock that they now have, because the traffic is so increasing in all districts, that I believe that the present amount of rolling stock would have to be increased, unless an amalgamation took place.

958. Mr. *Denison.*] Will you have the goodness to explain rather more fully your answer to one of the early questions of the Chairman, about the concessions which you think ought to be made to railway companies in return for the concessions which they are asked to give up to the public?—I should request that certain districts which they now accommodate should be secured to them, or that any competition within those districts (to use Mr. Swift's own word) should be discouraged; that amalgamation should be fostered almost to any extent; and if the spirit of Lord Dalhousie's report be acted upon, then I believe that the great interest would be secured, and the public would also enjoy the advantages of an uninterrupted railway system.

959. Then if amalgamation were permitted in the north-western district, and discouragement were given to running clauses, and to the intrusion of another gauge into that district, should you be satisfied to leave to parties in Manchester and Liverpool the unquestioned power of making some new line for their own convenience, if by reason of the increase of capital, and the cheapening of capital, they should think it would answer their purpose to make such new line?—Certainly not; because I should not mind meeting them in Parliament to contest that point.

960. I thought that one of the great objects which we were to attain by this kind of security was, that Parliamentary contests were to be saved?—It would be so to a very large extent; but I do not know that I can so arrange matters now, as to prevent the possibility of that at any time hereafter.

961. Without looking to very distant occurrences, would the London and North Western Company feel the requisite security to lay out more capital, as I understand they desire to do, to quadruple their line, and so on, if they were subject to the chance of further competition by a new line?—I think the prospect of competition by an entirely independent line is so distant that I do not attach much importance to it; because the quadrupling of the existing line, which is as direct as it can be from Lancashire into London, would afford so much convenience and safety, as suggested by the Chairman. Two of the lines might be confined to the goods traffic and two to the passenger traffic, which would facilitate the working of a large traffic far more than having a competing line. I cannot believe that Parliament would sanction such a cutting up of the country as would be the result of making a new line. It must be very near, and must be nearly parallel with the existing line.

962. Might not the scheme for the Direct Manchester line be renewed?—The Direct Manchester line might be renewed; but on the face of it it was too preposterous, so that the public even did not support it.

963. Do you think it would answer the purpose of railway companies, when they are asked to make the great concessions to the public of which we have spoken, to leave the question of new lines in the district open; or do you think that, at all events, within certain definite limits, the question of new lines ought to be closed?—I am quite aware of the inconvenience that may be conceived to arise from leaving it open, and I should be very glad to shut the thing up at once; but there are many difficulties in the way of absolutely prohibiting the projection of a new line.

964. But would not the leaving the question of new lines open rather increase the difficulty of closing the gauge question?—Yes, it would; unless you confine the broad gauge to certain limits, because then the break of gauge would prevent any other company uniting with that gauge, or extending the difficulty of the break of gauge, or of the admixture of gauges into Lancashire.

965. Then you would finally and peremptorily close the gauge question, although you would leave the question of the possibility of constructing new lines within the district upon the same gauge open?—I should not leave it open if I saw my way to close it. If the Committee can suggest any method

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by which it could be closed, I think it ought to be closed. But still it would be giving the companies very large powers to prohibit any one from making a new line, because they might, if their capital was in a bad state, refuse to make branch lines, although they might be beneficial to the present line, and there might not be sufficient security for that extension of railway communication which I think we must look forward to; for example, in Yorkshire, and in Northumberland, where branch lines are being made through mere agricultural districts, and the landowners are giving their land for the purpose, and taking shares, and getting the companies to pledge themselves to work the lines at prime cost.

966. Mr. Laing and Mr. Clarke have both suggested that the question of branch lines should be left entirely to be dealt with according to the convenience of the district, and according to the convenience also of the main line; one of their suggestions was that the main line being protected from further hostile competition, would itself be disposed to increase the local accommodation much more than it does at present?—But it would not like to have branches in the hands of other companies.

967. Was not one of their suggestions that the branches were to be made by agreement with the main line in conjunction and co-operation with it?—Just so.

968. But what I am asking you about is the possibility of the intrusion of some new arterial lines into a district once made over to an amalgamated company?—Arterial lines I certainly would shut out, such as between Manchester and London, if possible.

969. Then you would shut out an arterial line, such as a new line from Manchester to London, proposed by some people with a great plethora of capital?—If any measure could be devised by which it could be safely done, I should shut it out now.

970. Do you think that that ought to be part of the proposed system of arrangement, or that it should be left undecided?—If you will allow me to think that matter over, I will give you an answer to that question at a future day.

971. Mr. *W. Patten.*] Do you agree with a former witness, that under a system of amalgamation there would not be the same inducement to lines to give accommodation to particular districts which are not now accommodated?—I think the disposition to give accommodation would be rather increased.

972. On what grounds do you think so?—From the advantage of branches to the parent line. There are many branches which would not pay as independent lines, but which pay a good return upon the capital employed in their expenditure, as branches feeding the parent line; so that the inducement to railway companies to make branches is very great, if their capital be in a healthy condition.

Veneris, 25° die Februarii, 1853.

MEMBERS PRESENT.

Mr. Cardwell.	Mr. Labouchere.
Captain Jones.	Mr. Evelyn Denison.
Mr. Monckton Milnes.	Mr. Wilson Patten.
Mr. Henley.	Mr. Strutt.
Colonel Mure.	Mr. Laffan.

THE RIGHT HON. EDWARD CARDWELL, IN THE CHAIR.

John Swift, Esq., called in; and further Examined.

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973. *Chairman.*] YOU wish to correct an inaccuracy in a portion of your evidence?—I was, when last here, examined by an Honourable Member, Mr. Labouchere, as to whether the maximum rates were charged for passengers on the North Western Railway, and all the railways. I have, since I came into the room

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room to-day, read the answers I gave, and as I have reason to believe that they are not quite accurate, I should desire to correct them. The question was this: "Is the maximum rate on the North Western Railway actually charged against the public?" The answer I gave was: "Yes; and it is so on all the lines." And I gave the following answer to another question of the same kind: "I believe every company does so." That is not quite accurate; but I believe it is true that, generally, maximum fares for passengers are charged at all points where companies come into competition, as it is called, with each other, and generally, also, for all long distances.

974. Do you mean that, where one company is called on to send forward traffic which has proceeded from another company, they avail themselves of their power of charging their traffic at the maximum rate?—No; I do not mean that. I do not remember what it was with reference to, but the question, I think, was, whether the maximum rate was charged for passengers on all the lines. I said, I thought it was, and I was not correct in so replying.

975. We were desirous of knowing more distinctly what you mean by the expression, "discouraging competition"?—I have not had time to read the evidence which I have already given, and, therefore, do not know exactly how I may have answered any particular question; but certainly I did not mean to use the word "discouraging" in the sense of nevertheless letting go on. What I meant to ask was the very opposite of that, the very opposite of the course pursued by Parliament on former occasions, when we made concessions in the way of exchange for promises, or for understood arrangements, which have, nevertheless not been carried out by Parliament or Government. As to running clauses again, I meant that they should be prohibited; and I gave reasons why I thought so: one was, the ground of danger to the public; and the other, the ground of injustice to railway proprietors. I meant them to be prohibited, as well as competition, so called. I think I said, also, with regard to the mode of effecting these results, that I thought there should be a strong declaration of the opinion of this Committee on both those points, which opinion should be adopted by the House, and that the executive Government should be charged with the duty of carrying out those views hereafter in such a way as they might think proper. It might be done to some extent by amendments of the Standing Orders, or by the exercise, on the part of the Government, of some power analogous to that which is now ordinarily exercised by them, when they object to any Bill, or to provisions in any Bill.

Robert Stephenson, Esq., a Member of the House; further Examined.

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976. Mr. *Denison*,] AT 970, the question asked was, "Do you think that that ought to be part of the proposed system of arrangement, or that it should be left undecided?" and your answer was, "If you will allow me to think that matter over, I will give you an answer to that question at a future day"?—The question had more especial reference to an entirely new line between Manchester and London. I thought that if Government or Parliament would discourage competition, that it would be impossible to bring a new line of that kind forward; or if it was brought forward we might meet it. But previous to its reaching that stage, I have thought over the possibility of apportioning the country into absolute districts, and I see great difficulty in that. There are two or three which are simple, and have the sea for a boundary on the one side, and a well-defined physical feature on the other. But when you extend your attention up from London towards Manchester on the one hand, and towards Northumberland on the other, I see a great difficulty in drawing anything like a definite line between the two systems. The systems or the interests overlap each other in many cases in such a way as to render the line approximately drawn by Mr. Seymour Clarke impossible. I will take, for instance, "Running powers." The existing systems granted by Parliament already overlap each other in such a way, sometimes by running powers, sometimes by actual authority in the construction of lines, that there is no possibility, in my opinion, of prior parties in the northern parts of England, or the western, drawing a definite line; but if you could draw a definite line, the adjacent companies would no doubt start from time to time the construction of new lines towards places where it would be somewhat ambiguous whether they really belonged to one system or the other, or perhaps the very line may be in a district which you suppose would define

define the boundary, and each would want an outlet in both directions. There are many such cases that I could mention, and therefore anything like an absolute territorial division of the country, which should apply to all futurity, implies in fact an amount of prescience which none of us possess; and it would give rise to great difficulties from time to time. But I propose that those difficulties should be removed in this way: first of all, let the competition be put absolutely on one side; when new lines, either between or upon a contested boundary, are projected, either by new companies or by the old companies themselves, let there be a reference to the Executive Government to decide that question without the expense of going to Parliament, and contesting it in these rooms, where the conclusions are often precarious, and not unfrequently, in my opinion, unjust. A reference to the Board of Trade would remove, in my opinion, a great deal of the precariousness of the decisions now come to in Parliament. The Board of Trade would take their own means of ascertaining, and would refer it to arbitrators, as I suggested; to some two or three competent or incompetent men. And they will have the power of selecting more competent men. I do not mean it disrespectfully to the House, but at least men more competent than five Members of Parliament, chosen sometimes haphazard, to decide upon a question which really involves trade, commerce, and engineering questions of great moment. Now, what do they do in France at the present moment? In France there is a department of government that investigates any proposal from a new company, whether a district requires á railway or not. That is put up, or bid for by companies, as it were, at an auction. The company then executes the line; a contract is made with the government. If the line is required, they prove it to be required beforehand; and then they have a general Act of Parliament affecting railways; and they have certain powers granted to them. Now I should think the introduction of a Board of Trade, with the power of selecting a referee or referees of undoubted qualifications, would be tantamount to the French system, and more agreeable to our present form of Government. Take the case now of Manchester and London, a direct line which was brought forward by Mr. Bright the other day. Suppose that the trade from Lancashire should increase enormously, so that it should be absolutely necessary to make another line, or that it was questionable on the part of the London and Birmingham, whether it had reached that point or not, then the Board of Trade might investigate that. If a new company came forward, and if they found it necessary to make a new line, then the Board of Trade ought to have the power of conferring with the London and North Western, and saying, "We think the line has become necessary; let us now decide which is the best way of carrying it out. Is it better to make an entirely distinct parallel line, for they must be within gun-shot of each other, if they are both direct, or shall we duplicate our present line?" Why, what will unquestionably be done will be duplication of the present line, which is the best possible, to Manchester, and which could be done for probably half the money. Therefore the public by that means would prevent an unnecessary expenditure of capital in the construction of a competing line, as it would then be called. The promoters of that line would say it was not a competing line; the traffic had already become so enormous that you could not accommodate it. But it would be competing for a time, and then combination would inevitably take place as before; therefore you would be in the position of haveng for the convenience of the Lancashire traffic an expenditure of two capitals, where one and a half would have been sufficient.

977. You were asked whether any idea of forming the districts did not presuppose very large powers to be vested in some central authority, or some central Government Board, for the purpose of controlling, in many cases, where control would be necessary?—Most assuredly.

978. Then your proposal of having a department of the Government that should decide where lines are necessary or not necessary, is only, in other words, what we have been talking about, as the formation of a central Board with authority?—Certainly.

979. Then with that central Board, possessing certain powers, do you see any difficulty in forming the country into districts?—I was only anxious to guard the Committee against anything like a definite division. The country, at present, is divided into territorial divisions; it has been done. The necessities of the case, as they have arisen, have induced that division; and you cannot make that conform to any line.

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980. Would it meet your views if, instead of calling them territorial divisions, you were to call them territorial systems of railway?—Yes, or territories occupied by an existing system; for instance, the Great Northern has one area, with two or three over-lapping into the Midland. We cannot disturb those relations; they are established.

981. If you have either districts or systems acting within a particular region, would it not be necessarily cheaper that those systems which act within that particular region must either amalgamate or entirely harmonize in their arrangements?—Entirely; they must entirely harmonize with their arrangements. That would be best brought about by this tribunal, because there are many causes of dissension yet existing in this country in filling it up much more extensively than it is now; for I look forward to railways being almost as thick as township roads. I think they will become absolutely essential for the convenience of land, and very numerous indeed. They may be filled up, not by independent companies; for if the present company, which occupies that district, is apathetic in filling up a vacancy which obviously wants filling up, and which the landowners may be prepared to subscribe a large sum of money on their own part to assist in making a railway or in making a branch, it would produce a benefit quite equal to their own capital subscribed. That is now going on in the north, and will go on for years to come, most extensively.

982. With this system acting in particular districts, and a power in the Board of Trade to control and settle differences, one of the differences which they would have to settle is the difference in the Lancashire district about the gauges, which are competing there?—No doubt that would become almost the first question to be settled.

983. Then if railways in a particular system must act harmoniously, the powers that are now contesting in the north-western district must be brought into harmony somehow or other?—Yes.

984. How would you propose to bring them into harmony?—They would be brought into harmony ultimately precisely in the same way as other conflicting interests have been brought into harmony, by amalgamating. That is, if Parliament will permit them, the difference of gauge will not stand in the way. But they will be driven to that when they have got the mixed gauge, or the double gauge, all the way into Liverpool, at an immense expense.

985. The arrangements which are contemplated by the witnesses who have given evidence before this Committee would not leave the matter to be settled ultimately by lengthened contest; if it is to do any good, it must be settled peremptorily by some authority?—It must.

986. Supposing something like a territorial division, and supposing authority with a central Board, how would you propose they should act in order to bring the gauge question into harmony in the north-western district?—I would ask them to act as Lord Dalhousie acted; he took the whole question into consideration, heard arguments *pro* and *con*, and, in the Gauge Act, the limit of the gauge was specifically defined.

987. But Lord Dalhousie was speaking of things in prospect, and now you would have to deal with things in retrospect, because things now have been done which before were only talked of?—Then I should ask the Board of Trade, by any means they deem advisable, either by consulting men of experience in the matter, or by acting themselves, or by reference, to decide whether the mischief should proceed any further or not. Mischief, it is admitted on all hands, has already been done; and the simple question now is, whether it is to go on or not.

988. And that, like other points, you would desire to be settled by an equitable arbitration?—Yes, I should; I do not see any other way of settling it.

989. Mr. *Henley*.] You have assumed mischief has has been done; in what respect do you assume that?—A great deal of money has been spent in competing lines that need not have been spent.

990. That is, more lines have been made than the country requires?—Yes, and not laid out, in consequence of that competition, in the best possible direction for the public. The argument at one time with Parliament was, to select the most direct line; that was the pivot upon which many of the important decisions hinged in Parliament; and I have no hesitation in saying that, with very few exceptions, all the direct line decisions were erroneous; and that a body of engineers or commercial men, if they were to sit down dispassionately to consider

sider how they could contribute to the convenience of the towns that are scattered over the country, would not have adopted one direct line; I will not say one, but they certainly would have rejected nine out of ten. At the time that mania ran so high, I took the liberty of writing a letter, or rather of requesting my father to write one, to the late Sir Robert Peel, pointing out to him that it was a ruinous system that Parliament was proceeding on, the direct line system; because it did not by any means follow, that because one line was five miles shorter than another, that goods or passengers could be carried more cheaply or quickly upon it. On the direct lines, if they saved five miles, the Committees always attached importance to it; whereas, if they had taken velocity into account they would only have had minutes to consider.

991. *Chairman.*] From the difference in gradient?—Yes; that affects the goods traffic of this country most essentially; owing partly to having packed trains, and owing partly to gradients, the cost of conveying coals will be three times as much in the county of Durham as in the county of Yorkshire; as regards goods, I have no hesitation in saying there is not one direct line in the country in any way correct.

992. Mr. *Henley.*] Will you instance the great trunk lines, those which you call direct lines, which are open to the animadversion you have passed on them?—I take the Great Northern; they made two lines; they found that their case could not be made out in Parliament very well, and they could not give the local accommodation. They made one line direct to York in the least possible distance, and gave a loop-line to accommodate the greatest amount of population, although their case rested on the through traffic, which I proved the other day not to be worth having.

993. Your remedy would be this, that you would appoint some referees, through a Government office, whose judgment, as in the case you named, between Manchester and London, might save laying out one-fourth of the capital; and you think that the public would be satisfied to have the judgment of that one man, and set aside the Parliamentary authority to which they naturally look as giving the line most beneficial to the particular interests?—I did not confine myself to stating that arbitration ought to be to one man; I said that they might select two or three commercial men, and two or three engineers, or any class of men they thought competent to consider such a question. I said that would be a preferable tribunal, as a preliminary one, to coming to Parliament, to a Committee of this House, consisting of five gentlemen, neither interested in trade nor commerce.

994. You think the public, with their multiplied wants, sometimes perhaps unreasonable, if they found capitalists ready to supply them, would not like to be shut out from that want of accommodation which they now obtain through the imperfect tribunals of Parliament, and which probably they might or might not have obtained from this new tribunal, when set up, which you have mentioned?—If they did not obtain it through the new tribunal, I think it is *primâ facie* evidence that their views are erroneous. I think if a tribunal of that kind was a preliminary reference to coming to Parliament, it would save enormous expense. I would make that decision for or against the line final as regards the actual construction of it. Parliament might deal with giving powers in the ordinary way to execute it, and so on; but I think that tribunal would be infinitely more satisfactory. I pointed out this morning that that was the way in which the French now proceed; they proceed in the construction and extension of their railways precisely in that way; the board decides whether the line is fit to be made or not.

995. What amount of railways has France obtained under that system?—It has not obtained so large a proportion as it ought to have obtained; but I think that must have arisen from other causes. I do not think that French enterprise is by any means so great as English enterprise. They do not speculate in that way.

996. Do you not think that what you have been pleased to distinguish as English enterprise, as contradistinguished from French enterprise, may be fostered by that enterprise having the means of coming before a tribunal which may be favourable to it, and that French enterprise may have been cramped by having to go before the sort of tribunal which you have designated, which shuts out the public from the advantages which have been given to it in this country?—I have

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—I have no doubt the French system has arisen in consequence of the Government being compelled to take the initiative. They always take the initiative in France. But the enterprise of this country would not be cramped by the proposal I make, because enterprise would bring forward any lines, from time to time, in any part of the country. But they well know that that undertaking will have to pass through an ordeal, where mere abstract principles or benefits will be considered more carefully than they would be before a Committee of this House, consisting of five members, who are, perhaps, neither commercial men nor engineers.

997. Mr. *Patten.*] Is it true that the Government always take the initiative in France; is not this the system, that the commercial world take the initiative, and the Government then move?—I rather think it is the other way. It is put up to tender, and the capitalists unite to make a proposal to Government.

998. Was not the Paris and Orleans Railway submitted to the Government by English promoters?—There might be English promoters in it.

999. *Chairman.*] Is it not the fact, whatever may be the state of French enterprise, the system of French railways has been attractive to a great deal of English enterprise?—A very great deal; and I believe, without English enterprise, the railway system in France would not be what it is now.

1000. Mr. *Henley.*] But still you were understood to state that France, under that system, has obtained an amount of railways not sufficient, in your judgment, to develope the resources of the country?—She has not yet; they are now in progress. What I should call apathy has been supplanted by energy; and now they will very shortly have a railway completed from Paris to Marseilles, and from Bordeaux to Cette. I do not know whether that is finally determined on, but I believe it is. The other is in actual operation.

1001. You are now limited to one or two great trunk lines?—There are intermediate ones; I might name the one to Navarre, and they are very rapidly occupying the whole surface of France. France does not require so many railways in proportion to its area as England.

1002. Speaking of those interests which require development in France, how many years, in your judgment, will elapse before France has an equal amount of railways for the development of her interests equal to what we have in England?—That is a question that I could not answer with anything like precision; I should say in very few years, now.

1003. Are you of opinion that the amount of railway advantages and communication has tended very materially to develope the resources of this country?—No doubt it has, but I think it might have been better done, and probably with less money. My belief is, that if the present system is allowed to go on, the evil will be aggravated.

1004. Your opinion is, that if we could have foreseen, 15 or 20 years back, the extent to which it has gone, the same advantages might have been obtained for less money?—Much less.

1005. Is it also your opinion that, if that amount of accommodation for any reason had not been obtained, *pro tanto* the country would have suffered from the want of power to develope its resources?—That is a necessary consequence.

1006. That must be a deduction at all events, supposing it to have occurred, from the 70,000,000 *l.* which has been stated in this room in evidence, as having been over-expended in the construction of our railway system?—Yes, if we had been more careful in an arterial system in this country, the profit on this arterial system would have been very large; and Parliament might then, with propriety, have interfered. Instead of fixing the dividend at 10 per cent., they might have fixed it at a lower point, and called on these arterial lines to have constructed branches in proper places, and not in improper places as they are now, from those main lines into new districts, and would have given, by that means, much better accommodation than we have now; and that system, if carried out, would have multiplied the resources of this country more than the present system has done, because at present the amount of capital has become more and more cramped, and there is less and less energy in it. There is less surplus in consequence of this ruinous competition, and therefore the railways have no surplus to accommodate the country through which they pass.

1007. You

1007. You have stated that you think it not unreasonable that Parliament, instead of fixing 10 per cent., should fix 6½ or 6 per cent. ?—I did.

1008. Upon what principle is it, in the case of an amalgamation of two companies, that that dividend is to be calculated? Take, for instance, a line paying 6 per cent. amalgamating with a line paying 3 per cent.; on what principle is the 3 per cent. calculated; how many years' purchase?—It is, of course, to be calculated on the capital of the two companies that are about to be amalgamated.

1009. Do you propose to bring the 3 per cent. line up to the 6 per cent. ?—No; I was going to give a rather curious example. There are two lines before Parliament now, wishing to amalgamate, and I had the pleasure of seeing the mode of calculation the other day. The one is a competing line with the other, and has been doing it as much mischief as it could. They have now agreed to amalgamate. The items were, "Our railway cost us so and so, and we carry so many passengers, which produce so much." The income of their capital is not worth more than 1¾ per cent. Then the last item in the account was a valuation of the power of doing mischief. They had to consider how much traffic they had robbed their competitor of, and then they added that on to the true value of their own concern, that being only 1¾ per cent. The power of doing mischief might bring their line up to the value of the line they were going to amalgamate with.

1010. That would not bear upon the question you were asked, because tha would be an arrangement between those two parties themselves; the question is, what principle is to be laid down by Parliament, upon which this maximum of 6 per cent. is to be founded, on the amalgamation of two companies, each having very different rates of profit at the time the amalgamation is proposed?—That is a very open question, but one that deserves great consideration, and might be perhaps met in this way: that you should limit the per centage which any company should divide upon its capital, to 2 per cent., or 2½ per cent. above what it is now dividing. There may be other ways of meeting the question; but it is perfectly clear that it would be unjust, and perhaps there would be a temptation to bring about amalgamation between two lines that were not exactly competing, one of which was paying 3 per cent. and the other 6. I think it would not be right to bring the 3 per cent. up to the 6 per cent. line.

1011. Then your view would be this, that a line now paying a certain amount of per-centage ought to receive from the public a security, or get a permission for another amount of per-centage; say one or two per cent. in addition to what they were actually receiving at the time?—Yes.

1012. And that without reference to whether it was 2 per cent. or 3 per cent., or 6 per cent., which they might be now making?—Something beyond what they are now making by the increase of traffic, and by that means they would arrive at the end of developing the traffic that is going on in every corner of the country. They would become healthy, which they are not now; and then be enabled to extend their line by branches, and give accommodation more widely over the country.

1013. Then, to a certain extent, your view would be, that the several railways should have security, according to the scheme you have pointed out, given to them, within certain limits. Receiving that security, they should have, in addition, a power of getting additional profits to what they are now making; and to the public you only offer, in return, the possibility of getting certain branches made which you think might result from their being in a more prosperous state? —That is the case.

1014. Is that a correct statement of your view?—Yes, quite so. Also, in connexion with the fact that I regard the present system going on as likely to produce a total destruction of railway property; not to annihilate it, but, in fact, to absorb all its energy.

1015. You were also understood to state distinctly that, in long traffic, the increase of fares had no effect in driving the public off?—Little or no effect.

1016. Time being the great element in the consideration of the public, the companies could keep the fares up as high as they please?—To their maximum.

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1017. You also stated, in answer to a question with reference to two competing lines spoken of, between Edinburgh and Glasgow, that you thought powers should be given, if they shut up the line altogether, to compel the running on the line?—Yes, I thought so.

1018. Supposing that they did not run trains enough in the day, would you extend that power to any public board?—I see no harm in referring to a board of that kind the consideration of such questions, if the public raise them.

1019. You have given strong evidence upon the amazing profit that can be obtained by running trains up to the exact power of the engines at an extremely low rate of fare. Of course, if that fare were put so much higher with the same advantages, the profit would be very great?—No doubt, under similar circumstances.

1020. That reasoning would apply equally to passenger trains, if they were made so few in number as always to be quite full?—It does not apply to passenger trains at all.

1021. Why not?—Because the engines, except on such a line as the London and North Western, are never loaded up to their power. On the branch lines, the trains have half a dozen carriages, and perhaps the very same engine is capable of taking 20 carriages; therefore you may make the power fluctuate to almost any extent. That objection would only apply to the great thoroughfares; I do not know any other, except the London and Lancashire.

1022. Where you have a great mass of engine power of that kind, the traffic of that particular branch line must be carried on at a greater expense, and, consequently, at a loss to the company?—It is inappreciable. There is an advantage in running an engine much within its power.

1023. There must be, to a certain degree, a limit to that?—No doubt.

1024. If an engine is not loaded up to that point, or has not that work to perform which is the profitable point in passenger traffic, then that, *pro tanto*, must be a less profitable concern to the company?—Yes.

1025. There would be an inducement to run fewer trains, and to bring a greater amount of traffic at a greater cost of carriage?—That is theoretically the case; but, practically, acquainted as I am with all the railways, I think there is only one case, which is a competing line to Ely running through marsh, where they send the engine with one or two carriages, perhaps. It is a useless line, granted as a competing line, and is 500,000 *l.* or 600,000 *l.* thrown away, or more.

1026. You think there would be no objection to leave to the same tribunal the power of exercising some control over the number of trains, as well as in the case you put, where there was no train at all?—If the difficulty suggested in the question existed, I should have no objection to refer it.

1027. We are considering a case where the power of petitioning has to be shut out virtually, and we have then to see how the public are to be secured; your position was, that they wanted no security, and these questions have been put to you to know whether you would object in principle to give this kind of power to a tribunal?—I have no objection to give that power, because it would only be applicable to very thinly populated districts of this country. Where the population is great, such as of Yorkshire, Northumberland, Durham, and Lancashire, the public require no protection at all.

1028. Now take the reverse of the proposition; do you think there are no cases where the companies are in the habit of running trains very much overloaded with passengers, beyond the reasonable powers of the engine?—Some trains there may be. If the weather be fine, I am not aware that they would venture to send an engine away from a station without its being quite equal to its duty; but if between London and Birmingham a storm comes on, that engine, which was quite competent to its duty in fine weather, may be incapable of doing it in foul weather. A contingency of that kind has happened with coaches.

1029. There ought to be a margin for that, which ought always to be calculated on?—That would apply very much against your position. You would always have to carry upon the great lines of this country an enormous surplus of power, which, according to your former question, would increase the expense of working local lines.

1030. The

1030. The question assumed in both cases that there was always a proper margin left to meet the case of greasy rails, and matters of that kind?—It is rather a difficult thing for me to make intelligible. For instance, between Liverpool and Manchester, at Rainhill, there is a gradient which intervenes of 1 in 100, which is a very serious matter in goods trains, but no very serious matter with passenger trains, because they are very much lighter. The margin of power in running between Liverpool and Manchester must be pretty much the same as if it were 1 in 100 in various parts.

1031. Of course you have the powers of the engine according to the gradient?—That gradient, in order to leave sufficient margin for a goods train, requires an engine of the utmost possible power you can make for the gauge. It would not do to work all trains with that enormous engine.

1032. Would it not, if you had the same weight?—If I reduce my loads, I must increase the expense of conveyance, and charge the public accordingly.

1033. In the event of competition being shut out, would you object to leave these matters of detail, if the public complained, to the control of an executive power?—I should not myself hesitate; but I am quite convinced you would not have one of these in a twelvemonth come to that tribunal, because the cases which you have assumed are plausible, but I know practically that they are really theoretical, and that they would not apply; because the company's interest is not to send away an engine out of a station with a train too heavy for it.

1034. In your opinion, therefore, they are theoretical?—In my opinion they are theoretical; because if the company sends away an engine overloaded from the Euston station, it may be pulled up in a dark night, and you may have a collision which will cost the company thousands, and tens of thousands, perhaps.

1035. Will you take on yourself to say that none of the collisions that have taken place have arisen from the circumstance of the engines being overloaded?—I will undertake to express my firm conviction that accidents have very seldom occurred from that cause. I do not recollect one at the present instant. There was one at Leighton, where a goods train stuck fast from the engine breaking down, but not from being overloaded.

1036. Do you not recollect an accident at a time when some races were going on, where the engine stuck fast in going through some tunnel?—That was at Altringham.

1037. If the records of all the accidents that have taken place were searched, would not very many of them be proved, or be alleged to have arisen from that very circumstance?—I cannot concur in that opinion.

1038. Have there not been many where it has been so alleged?—Accidents to engines I admit there may have been.

1039. With reference to the other part of the subject, as to the principle upon which the maximum interest should be calculated, how do you deal with the debentures?—That is a debt like any other debt, and must remain so.

1040. Without reference to its interest?—Yes; I would rather not give an answer to that question; I have not thought of the money part much; but of the working, and the expenditure of capital, I have thought a great deal. I would rather not venture an opinion as to the mode of dealing with the capital; that is a question quite apart from the evidence I wish to give before this Committee.

1041. Only you have stated an important feature in it, that you think parties ought to be allowed to make up to a certain amount the interest on their capital?—Which they have now the power of doing; the limit is 10 per cent.

1042. But your proposition is, that they should be secured in the means of doing that by being shut out from certain elements and causes which in your judgment now render that uncertain?—Yes.

1043. And therefore, having arrived at that conclusion, it is necessary for us to ascertain the principles which are to guide Parliament in fixing those amounts, because they materially concern the public?—That is a commercial question; as regards the mode of dealing with the capital, I am not prepared to be specific in my opinion. What I do most distinctly state is, that the present system has been the cause of wasting 40 or 50 millions of money, and it has positively shaken every great and successful line in this country, till they have hardly the power of making the branches that are demanded on each side. I

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wish to advise the Committee to stop that system, and prevent two capitals being laid out when one will do.

1044. You do not put your estimate of the excess of expenditure so high as it was put by a former witness, namely, 70,000,000 *l.*?—I saw Mr. Laing's evidence; I do not believe he has overstated it, but I would rather be within the mark.

1045. There is a great difference between 40,000,000*l.* or 50,000,000*l.* and 70,000,000*l.*?—I only wish to make use of a figure; I hope it will not be construed into making Mr. Laing's evidence inconsistent with the fact; when I say 40,000,000 *l.* or 50,000,000*l.* I am confident I am stating a sum that is within the mark.

1046. There has been a great expenditure over what was necessary?—Yes.

1047. Mr. *M. Milnes.*] Wherein consists the superiority of the French arterial system of railways to ours, besides that of having saved a considerable amount of capital?—I do not think it is superior. It saves money, and gives the best possible accommodation to the existing towns.

1048. Is the French arterial system more or less direct than ours as regards the termini?—Rather less direct; because it looks at intervening interests between the termini.

1049. Do you think that in our arterial system we have had too much regard to the interests of the termini?—I think we have; because in every great line in this country the local traffic has proved to be the most important. Therefore we have been considering the terminal traffic, which is unimportant compared with the intermediate traffic.

1050. Do you not think that in the prospective development of railroads to which you have alluded, we may contemplate such an amount of traffic coming from the important termini, that this may require a railway for itself, and fully remunerate the company without any intermediate traffic at all?—I brought that case in. I supposed that case in the first part of my evidence this morning. Let the parties bring it forward, let this tribunal consider it, and then it will be better for this tribunal to negotiate with the London and North Western, for the purpose of considering whether it would not be better, instead of making a new and independent line of railway, to duplicate the existing one. I say duplicate the existing one; therefore I want to save one fourth of the capital.

1051. What is the relation of the French companies with the Government as regards the branch lines in their own districts?—I do not know the precise relation; but the branches are taken up by the main lines mostly, and very often a condition is attached to the parent company, that branches shall be made at various intermediate points. For instance, on the Strasburg line they are to make a branch to Salzburg.

1052. Have the monopolies which have been granted to existing lines in France prevented other lines being made, on the principle of not breaking faith with existing companies?—I am not aware of any; the government have taken a very large view of the question; if a branch line is wanted from a trunk line, they ascertain what the traffic of that is likely to be, and what prospect there is of getting fair interest for the money. The government begin by making it a national question, and perhaps they say, "This branch will not pay the proprietors, therefore we will give them one million or two millions of francs as a contribution from the nation, in order to produce this convenience."

1053. Has the same system been adopted generally in Germany?—No; they are generally independent companies.

1054. Under what government control?—I do not know what control they are under; I do not know the minutiæ of the German management; the Belgian I do, and the French.

1055. What is the Belgian?—That is entirely under government, excepting some lines which have been projected by independent companies.

1056. Do you think it would be satisfactory to the public and commercial opinion of this country that a system so centralized as that either of France or Belgium should be adopted here?—No; there is a great objection to the centralization system; I have a great objection to it myself, but having been mixed up now 20 years with railways, I have come to the conclusion that there is either destruction on the one hand, or submission to the centralization principle on the other.

1057. Do

1057. Do you not think that the worst effects of competition have been already suffered?—No; I believe that if the Great Western and the North Western go on competing to Lancashire, there is no limit to competition. You cannot stop them short of Glasgow; they must go all the way. I believe that property which is now paying 5½ per cent. will in 10 years be worth only 3 per cent., and that on 21 millions of money. I introduced, in conjunction with Mr. Hope, in an award recently made by us, that if the North Western Company ever did sink to 3½ per cent., then the North Staffordshire should have the power of amalgamating with them at par. I believe I gave some little offence to both sides by doing that, but I did it from the honest conviction that if this system of competition was to be carried on to any extent, that neither the Great Western capital nor the North Western capital would be worth holding.

1058. Have you not stated that you anticipate a very considerable development of our railway system?—Yes, I do.

1059. Then if such a development, or anything like the development you contemplate, should happen, railways becoming as common as our township roads, where would be the superfluity in having those separate lines which at the present moment may not be remunerative, but which would then come into the regular system of the country?—They would fall into one or other of the large systems already existing; but if you allow the present system to go on, you would not get that extension made which I believe the country capable of maintaining. Perhaps it is rather exaggerating to say that they will be as common as township roads; but I do not know that we shall not see the whole farming produce of this country moved about by railways, instead of by common roads; and I further say this, that all railways, regarding the landed interest, will be far more beneficial if they are under the management or direction of the trunk line that passes through that district. In fact, unless there were an identity of interest produced between that extension of system and the parent of the system, you would be in eternal confusion.

1060-62. But after all these sufferings, which have resulted from competition, are not the main lines paying quite as good an interest at the present moment as the funds, or land?—It is admitted on all hands, by most commercial men, and by Parliament itself, that any investment in a public work ought to have the prospect, at all events, of a larger interest than funded property. I do not think the worst is yet passed. I think there is a great deal to come. If you allow the existing interests to go on competing, the value of railway property, even as it stands now, will be diminished, and therefore you will cripple the power of extension.

1063. Are we to understand that you think the local development will be considerably increased by permitting monopolies to certain companies?—I have not the least question of it, under judicious control. If you were to put the supposition that it was an absolute monopoly, and that you thereby put a district of country into the hands of a company, I would not recommend that.

1064. You have recommended that an authority be granted to the Board of Trade to decide certain cases of this kind: would there not be the disadvantage that the executive of the Board of Trade are varying according to political circumstances, and therefore the system which at one time would be under the administration of one set of gentlemen, would in another year be under the administration of a different set of gentlemen, holding, perhaps, entirely different views with respect to railway administration?—You misunderstood my views of that question. It goes to the Board of Trade in the first instance. I do not think the Board of Trade should be the parties to settle it. They ought to select a committee of men of acknowledged standing and talent, and whose information really was such as in all probability, at least, to lead them to a just conclusion upon a debated point.

1065. You would take their decision as final as regarded the recommendation of the Board of Trade to Parliament?—I would make it final.

1066. You would require that decision to be confirmed by Parliament?—No doubt, to grant them powers to proceed. They should not proceed upon the decision of that tribunal.

1067. If that were opposed in Parliament, what course would you then take?—

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take?—The Committee would have to consider whether they were more competent than those men who had the question brought before them.

1068. Might you not have two Committees sitting successively on the same line?—You must necessarily have them; first one, and then the other.

1069. Do you think the decision of the previous Committees might be made to supersede the necessity of the second?—The question is, whether Parliament would regard that decision as binding on themselves in any degree.

1070. Mr. *W. Patten.*] What powers do you propose to give to this authority that you allude to?—To settle any differences that might arise between two companies, either with respect to the location of the line or the management of the trains.

1071. With a view to carry that out, do you propose to invest them with the power of examining witnesses, and going through all the process now gone through by a Committee of the House of Commons?—They would have to examine some witnesses; but they would select their own witnesses.

1072. Looking at the great jealousy which now exists between one railway company and another, do you think that it would be easy to constitute a board of that kind; in the first place, you would require great engineering knowledge?—No doubt.

1073. You would require great commercial knowledge?—Yes.

1074. And a great deal of local knowledge?—Yes.

1075. Do you think it would be an easy matter to constitute a board of a few individuals who should regulate the whole railway traffic of this country, and who would carry the confidence of the railway companies with them?—I do not think there would be found any difficulty. There might be some, but there is nothing which you can propose worse than the present system; we are in a dilemma. I merely offer that as a suggestion, and I can conceive no other. I do not know that that board ought to be a permanent board; I suppose not, because as regards the traffic question, or the management of trains, I do not believe you will ever have one of those questions come before them. If you sanction the amalgamations now before Parliament, you diminish the number of jealousies which cause the great difficulty. If you amalgamate the North Western and the Midland, what do you do? You bring the two greatest interests in this country into one; from Perth to London, and from Skipton, in Yorkshire, down to Bristol, all will be in concord. The Great Northern and the Eastern Counties will eventually, I have no doubt, become one all the way to Newcastle. I do not believe, if you carry this out, that you will have more than three or four conflicting interests in the country.

1076. Supposing that this board that you allude to, or this authority, or the board of arbitration, or whatever it may be termed, did not carry with it the confidence of the whole railway world, and that it did not cause all these disagreements which at present exist to cease; do you think that the position of the railway capital would be worse or better than it is now?—As I said before, I do not think it could be much worse.

1077. Would it be materially benefited?—I believe it would. A suggestion has occurred to me at this moment, which, perhaps, I ought to have made when I first referred to the constitution of this board of arbitration or reference. I think, supposing two companies quarrel, when they come to the Board of Trade, in all probability the Board of Trade will say, "Here are some names of men of undoubted respectability, talent, ability, and independence; refer your differences to them; we recommend you so and so." If they agree to refer it to two parties, or to one party, it will be settled at once, and be binding. I do not think there would be much complication in working that tribunal.

1078. That is, as between railways; then as between the public and railway companies, what is your opinion as to the confidence that will be established in the public mind by a board of that kind?—At present the public have no remedy; then they would have some. Supposing the London and Birmingham chose to drop two or three trains, as they do now in the winter season, the public have no remedy. Indeed, I say they ought to have no remedy. But in any case where flagrant injustice is committed by a railway company on the public, I would let any local party, such as the mayor of any place, or the corporation, petition, and present their grievance; at present they have no remedy.

1079. From

1079. From your knowledge of the public feeling generally, do you believe that a dissatisfaction with the present mode of conducting railway affairs exists both in the public mind and in the minds of shareholders of railways equally?—I cannot say that I am satisfied myself with the management.

1080. You are in as good a position as most people to collect the public feeling on this point; should you say, that in the public mind, as distinguished from railway companies, there exists a dissatisfaction with the mode in which railway legislation is conducted?— I do not think the public, as a mass, are dissatisfied with it.

1081. In great commercial towns, do you hear public dissatisfaction?—There are some complaints from time to time, but I should think not of any great importance.

1082. Have you ever heard this mode of dealing with it discussed in any other public societies than those connected with railways?—I cannot say that I have.

1083. Mr. *M. Milnes.*] Is not the press, generally speaking, very critical on the present system of railways?—Yes; they are critical on many things they do not understand.

1084. Do they not, more or less, represent public feeling?—I do not indeed believe so. I do not believe a leader in "The Times" is an expression of public opinion with regard to railway management. In the case of an accident it may be so; but I do mean to say, that the acts and conduct of railway companies are sometimes very improperly animadverted upon. I do not mean to say that there are not cases which are exceptions.

1085. Mr. *Denison.*] You have been asked whether there would not be two contests to go through about a new line, if the Board of Trade, or this central authority, was to have power to say whether a line should be made or not; you did not intend, if the parties promoting it were dissatisfied with that decision, that they might come to Parliament as if that decision had not been given?—Certainly not.

1086. You meant that this central authority should be able to say whether or not the line was to be granted?—Precisely; and to whom.

1087. You assume that Parliament itself would confine those powers to the central board, and would say, if the central board decides that no railway is wanted, or should be made, under the circumstances, between those two places, that Parliament should not entertain the question, if proposed to it?—That is quite my feeling. They must come to Parliament, nevertheless.

1088. Then if the Board of Trade were to say, "We think such a line ought to be granted, and now we refer you to Parliament to confirm the powers," then in that case, a line coming to Parliament with the sanction of the Board of Trade, and with their authority, might not expect to meet with any serious opposition, or, at all events, with such opposition as it might meet with now, when they come without any previous sanction?—I think the back of the opposition would be broken; there would still be open the question, whether that line was a proper line or not. Some landowner might object to the line going through his property. That is a question for Parliament, probably, and not the other tribunal. I do not mean to draw the precise line of boundary to their powers.

1089. Mr. *Henley.*] You would make the present Board a kind of grand jury, and if they threw the Bill out, Parliament should not entertain it; or if they said it was a proper scheme, Parliament might deal as they thought fit afterwards?—The grand jury is a very fair comparison.

1090. Are you of opinion that that board of referees should decide on the fitness of the line absolutely, who was to make it, the way it was to be made, and the direction in which it was to be made?—Yes.

1091. *Chairman.*] You were asked some questions about the sum of 70,000,000 *l.* which Mr. Laing mentioned as having been spent needlessly on the construction of the present number of miles of railway; whether 70,000,000 *l.*, or 50,000,000 *l.*, be the exact amount of money which has been wasted, is that sum at all an adequate representative of the actual loss in point of convenience, economy, and the other circumstances connected with traffic, which the public has sustained by reason of Parliamentary carelessness in legislating for railways?—I believe it represents that inconvenience very inadequately.

1092. What is the average rate of interest now paid by the unguaranteed

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property of railway shareholders?—I cannot answer that question with sufficient exactness. I think some parties might be prepared to answer that more precisely than I can.

1093. There can be no doubt it is very small?—Very small.

1094. The tribunal to which you have referred was not intended by you to be a permanent tribunal of members of the executive government, but was intended to be a selection of the most competent persons, made by a responsible department of the executive government, and most probably agreed on by the persons whose interests were to be settled by it?—That is quite my view.

1095. With regard to the power of interfering in detailed arrangements, such as the taking off trains that have been accustomed to run, or the not running of trains sufficiently numerous, or sufficiently well conducted, although you said that power would be rarely exercised, yet you meant to confer that power to an unlimited extent?—Yes.

1096. With regard to the advantages you propose to give to the public, it was put as if you intended to give to the companies the power of earning perhaps 2 per cent. more than they now earn, and to give to the public no advantages except that of making new branches and new extensions of various kinds; but did you not include in your scheme the idea of a periodical revision of the traffic tariff, by which the travelling public were to become partners with the railway companies in the profits to arise from the future increase of traffic?—That appeared in my evidence of yesterday. I always contemplated a periodical revision, by which the public would have protection from Parliament as regards charges and arrangements.

1097. It was rather excluded from some of your answers given to-day; did you intend to exclude it?—I did not.

1098. Now, supposing two companies to amalgamate, the one paying 6 per cent., and the other 3 per cent., do you think it would be at all an insuperable difficulty to ascertain, first, what would be the reasonable dividend to insert in the Bill as the pivot for revision; and, secondly, to write up the capital of the two companies in the amalgamated capital, so as to make it an equitable arrangement between the amalgamated companies and the public, and also between each of the two companies going into the amalgamation?—I think that commercial men would have no difficulty in going into it. Since the question was put to me, I have considered it, and it does not seem to present any difficulty.

1099. Would not that, however, be a question dependent upon the exact commercial prospects of the company at the time the amalgamation took place: and would it not be a question deserving of the most careful attention of Parliament in each instance?—Precisely.

1100. And the success of the arrangement would depend upon whether such an amount of capital and such a rate of dividend were determined upon, as gave the public the conviction that justice had been done to them, as well as to the companies?—I do not see any difficulty in coming to a correct conclusion. The companies now do it themselves with the greatest ease. If one company is paying 3 per cent., and the other 6 per cent., the capital of the company that is paying the smaller dividend is written up to the capital of the larger company, or equivalent to the interest which they receive; therefore, it is not charging the company forthwith with the interest of the money which has been improperly spent.

1101. Then, with regard to the debenture debt, would it not be possible to capitalize that debt at the time of the amalgamation, or otherwise so to deal with it, in adjusting the pivot dividend, as to give to the one company that amount of advantage, and no more?—And no more; it would be competent to them to weigh the borrowed capital in the scale, and value it.

1102. Mr. *Henley*.] Then, as I understand from the general answers you have given, these things are quite possible; and yet, in answer to my questions, you said that you were not prepared to state the exact principle upon which it was to be done?—I was not quite prepared to state the exact principle as you put the question; but I see no difficulty in any one sitting down and devising an equitable scheme for effecting that amalgamation. It has taken place under my own direction over and over again.

1103. Is that as between parties?—Yes. There was a very large one recently, in which Mr. Hope and myself had to value the Staffordshire Railway, as compared with the London and North Western Railway. We received a large amount of evidence, and we had no difficulty in weighing the two capitals, and appreciating

appreciating the value of both concerns, and then writing down upon what principle the amalgamation should take place. Both parties, I believe, have acquiesced in the justice or equity of that decision. That was an exceedingly difficult case.

1104. You were understood to state, in answer to a question from the Chairman, that in those cases where money had been improperly expended, a certain amount of loss was written off at once, and the residue of the capital, such as it was, was taken into account?—As a necessary consequence, that would be so, if the two capitals bore the same ratio to each other as the two dividends. If you amalgamate those ratios you do justice at once.

1105. Would that be the principle upon which, if they were to be amalgamated for public purposes, you ought to calculate the general dividend?—I beg pardon; I did not understand your question. It may perhaps be necessary for me to expunge some answers which I gave to former questions I misapprehended your meaning, but the Chairman has now set me right. I see no difficulty in it, because the public would not be burdened with a capital improperly spent; the shareholders would lose, and they have done so in many cases.

1106. That is quite clear as between the parties; but would the same principle be carried out in fixing the rate of the amalgamated stock, as regards the public?—Just so. I can refer to the first large one that took place in this country, in which I took a leading part. I was the chief instigator of it. At that time I was the manager of the Midland Railway, between Derby and Leeds. That branched out into two lines, the one leading to Rugby and the other to Hampton. The two became competing lines, and worried each other until their stock was not worth having; and being then engineer to the North Midland, and the Birmingham and Derby, I urged upon them the absolute necessity of an amalgamation. They all met together at Derby, and the confusion and disunion, inconvenience to passengers, and expense to the companies were such, that I was literally driven mad. The end was that they amalgamated; but they did so, taking what their earnings represented at that time.

1107. Therefore the money that had been improperly or imprudently spent was struck off the account, and the amalgamated dividend was only on that which was wholesome and sound?—Yes; as far as the public was concerned, that was the effect. That was the first case in which I was engaged. The next large case was the Grand Junction and the London and Birmingham; the Grand Junction was paying 12 per cent., and the London and Birmingham 6 or 7; they amalgamated, but their capitals were so adjusted that every party remained in the same position they were in before as regards capital. In order to show how injuriously the concessions operate, which are sometimes made by Parliament to railway companies, I may state that when the Grand Junction was struggling with the London and Birmingham, the Trent Valley started up, and the London and Birmingham got possession of it. They came to Parliament, and the Grand Junction said, "We will have running powers over it;" and Parliament gave them running powers to Rugby, which was tantamount to dividing the capital between the two companies; and when they negotiated, the Grand Junction said, "We have got running powers to Rugby; what is the value of that?" This is the way the public are saddled. In the final balance sheet between the two rival parties, the Grand Junction got, for giving up those running powers, 14,000 *l.* a year carried to the credit of their account. Who pays for that? The public; and they will always pay for running powers. I was rather surprised to hear Mr. Seymour Clarke speak so decidedly in favour of running powers; he seemed to think that there was no inconvenience nor difficulty about it. There is a Bill now before Parliament called the Boston and Midland Counties Railway and Docks, and they have asked for power to run over some portion of the Great Northern line, and the Great Northern will not consent; in fact, they are going to oppose on the ground of the inconvenience being so great. I have got it in Mr. Seymour Clarke's own handwriting, and the very first clause is, "Running powers to be withdrawn." I believe running powers to be neither more nor less than aggravated competition. It is getting something to sell which they never mean to make use of, not for the convenience of the public but for the annoyance of their rivals; and the public will have to pay for both in danger and in money.

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1108. Is it your opinion that they should be struck out in the public amalgamations?—Yes.

1109. *Chairman.*] Do you mean prospectively?—Prospectively; you cannot legislate for the past.

1110. Did you propose to obtain running powers for the London and North Western over the Birmingham and Oxford, when that line was purchased by the Great Western?—I did not. I will state the circumstances: I am glad the question is put, because I can answer it so satisfactorily. I hope you will not think the engineer responsible for all that the lawyers of the London and North Western do. I have uniformly, from the very beginning of my railway experience, known the danger and inconvenience of running powers, and I have never once deviated from most strongly reprobating them. Upon the occasion referred to, Mr. Carter, and I dare say Mr. Swift, said, "Well, we are beaten; the Great Western has got the better of us; we will hamper them as much as we can; we will compel them to lay down the mixed gauge," a thing which I abominate. I said, "Do as you like, but I will not be called on to support the absurd system of granting running powers." It was got for the very purpose I have stated. I had nothing to do with it; and I ask Mr. Saunders to produce a line of evidence I ever gave in my life in favour of running powers or the mixed gauge.

1111. Mr. *Laffan.*] What do you understand by discouraging competition; do you mean that, where an existing system of railways is in possession of the traffic of a district, you would totally exclude any new company from coming into that district, or any neighbouring company from running a branch into that district; or would you make the question whether such new line should be formed a fit and proper question to be referred to your tribunal?—I think I mentioned the great difficulty I had in understanding how the legislation was to be framed. You cannot shut out enterprise from any district, absolutely. I remarked this morning that there would be numerous questions about the boundary, and only absolute prescience could decide such questions now.

William Mathews, Esq., called in; and Examined.

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1112. *Chairman.*] DO you reside at Edgbaston, near Birmingham?—I do.

1113. Have you extensive collieries and iron-works at Corbyn's Hall, Kingswinford, South Staffordshire?—Yes.

1114. Have you been long actively engaged in the iron trade?—For 30 years.

1115. Are you connected in any way as a shareholder with railways?—Yes, but not to any extent. I act now as the deputy-chairman of the South Wales Railway; and I am also a shareholder in the Birmingham and Oxford.

1116. Are you a director of several railways?—Only of those two. I was formerly, but simply for the object of getting better accommodation in the South Staffordshire district.

1117. Have you for many years taken great interest in the public affairs of the iron trade?—Yes; I have generally acted with other ironmasters.

1118. Are you well acquainted with the various lines of railway and canal intersecting the district, and connecting it with the outports?—With those of South Staffordshire I am very intimate.

1119. Mr. *Henley.*] Are you connected with any canals?—No canals.

1120. *Chairman.*] What is your view as to the extent to which the iron trade is dependent on the cheap transit of the various raw material connected with that trade, and the conveyance of the manufactured article to the outports?—The iron trade is dependent greatly upon the cheap conveyance of raw material. The insular situation of South Staffordshire exposes it to a very adverse competition with the Scotch at Glasgow, with the Welsh close to the shipping ports, and more recently with the northern iron-works connected with the Tyne and Tees; and it has become indispensably necessary for South Staffordshire to effect the greatest possible economy in the transport of its raw material for the manufacture of iron.

1121. By what means do you think that that economy of transport can be best secured?—As far as my own experience goes, if I may take an earlier period than the first introduction of the railway system, we found no plan so effective as that of getting a sort of competition between the canals, by having a choice of routes from the place of manufacture to the out-ports; and we found,

if

if we had the choice of routes, that we could by negotiation so contrive to regulate the tonnage and rates of charge on the canals, as to keep them within reasonable and moderate bounds. Whenever we found that they became excessive, we generally contrived, by some additional enterprise, by encouraging the execution of some particular canal, to so reduce the charges as to bring them within a reasonable compass. We found that policy always efficient; the public opinion on the one hand, and the interest of the canal proprietors on the other, generally contrived to assimilate their views so as to satisfy the public demand. We have always found that any attempt at monopoly was beaten by the system of having the choice of routes from the place of manufacture to the outports.

1122. Had you, in point of fact, two routes from South Staffordshire to Liverpool, and from South Staffordshire to London, by canal?—Yes, and from South Staffordshire to the north also. We generally contrive to keep them in tolerable check, if we find any attempt at coalition, by starting some fresh enterprise, or by negotiation, and thus to bring the views of the parties into some degree of assimilation with each other.

1123. How is the district of South Staffordshire now served?—I may perhaps go on, as an extension of that answer, to say, that the same policy has been continued very much with railroads since they have been established. When we found that there was still further economy required, fresh railroads were started, which brought down the charges on the canals. The principal canal along which the produce of the South Staffordshire Canal passed to Liverpool, was the Staffordshire and Worcestershire Canal to Heywood, and thence along the Trent and Mersey Canal to Liverpool. The committee of the Staffordshire and Worcestershire Canal we considered rather an unaccommodating and uncompromising set of gentlemen. They had a very high rate of tolls, which they refused to lower in conformity with what the iron trade considered reasonable and proper, to enable them to get cheaper from the Staffordshire district to Liverpool. I was one of a deputation which waited on the committee of the Staffordshire and Worcestershire Canal about the year 1824 or 1825, for the purpose of urging the propriety of a reduction of tonnages; but all our representations were so utterly disregarded, that we threatened to start a railway. They laughed at us for broaching a very chimerical project, and said we had better go and start it. The deputation adjourned to one of the hotels in Wolverhampton, and there one of the first projects for a railway from Liverpool to Birmingham was formed. That project, although it dropped for a time, was eventually revived, and the railway was made.

1124. Do you happen to know anything about the views of those who first originated the Liverpool and Manchester Railway?—No, I do not; the Liverpool and Manchester Railway was out of the district where I resided.

1125. Whether it was at all connected with the high rates of charge then made for the carriage of goods between Liverpool and Manchester, rather than any consideration for passengers, is a circumstance you do not happen to be acquainted with?—I only know from report that there was a very great outcry in the Lancashire district against the charges for the carriage of goods to Manchester. The Liverpool and Manchester Railway was projected on account of those high charges; and, as a proof that it resulted entirely from that cause, I believe, in the traffic tables of the Liverpool and Manchester Railway, that no account was taken, in the first instance, of any revenue to be derived from passengers, but the revenue, it was supposed, would arise entirely from goods.

1126. What is the present state of transit in your district?—We have two systems, both occupied very fully; one is that of water communication, by which we can still go to Liverpool by choice of route, and still to London by choice of route. We can also go to the north by choice of route, to Hull, and the other districts. These systems are entirely independent, although more or less controlled, by recent purchases, on the part of the railway companies; but the system of canals is entirely independent of that of railways. On the other hand, we have got the railway system, by which we have, in a great part, effected a choice of route to the outports, and by which we are now trying to consummate the schemes and projects which will eventually give the district of South Staffordshire and Birmingham a choice of route to London and Liverpool.

1127. What is that scheme to which you now point, and which you desire to consummate?—We have two sets of lines on two different systems from London

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London to Birmingham; one on the broad gauge system, and the other on the narrow gauge system, which will be completed in a few months to Wolverhampton; and the object of the manufacturers of the Birmingham and South Staffordshire district is to get that system carried on from Birmingham to Liverpool and the north.

1128. What is your opinion on the subject of the interference which has taken place with the freedom of canal transit by recent purchases on the part of railways?—The London and North Western Railway Company have been the great purchasers of canal transit in the district of South Staffordshire and Birmingham. They have purchased or guaranteed, or taken steps, to gain a control over the Birmingham Canal, over the Trent and Mersey Canal, over the Liverpool and Birmingham Junction Canal, and over, also, all the tributaries to the Birmingham Canal. That gives them such a degree of influence on the canal interest as to more or less control the traffic on the narrow gauge part of communication, and on the water communication also. This company now seeks Parliamentary sanction for assuming the ownership of the Trent and Mersey Canal Company, which, in the hands of the North Staffordshire Railway Company, has, with the latter company, served, in some degree, as a competing route to the north. If they succeed in this policy they will obtain the means of influencing the traffic on all goods passing by water communication between Bristol and Lancashire, and may use this influence to the serious injury of the Staffordshire and Worcestershire Canal and its tributaries, and thereby of all the works connected therewith. They further seek to obtain possession of the Shrewsbury and Birmingham route by railway to Birkenhead, which now, in conjunction with the broad gauge lines, serves as a competing route by rail from London to Liverpool. If they succeed in these objects, they will have entire control over the traffic destinies of the midland districts northwards. I can conceive nothing more injurious to the commercial interests of those districts than such a state of things.

1129. What is the length of that part of the Birmingham Canal which is under the control of the London and North Western?—I cannot tell the length. It has such a great variety of branches, and it is so ramified in every part of the district, that, unless I had access to the books of the company, I could not state the length.

1130. Are there cases in which the possession of one link in the chain interferes with the freedom of communication throughout the whole system?—Clearly; if you take the canals from London to Liverpool, the interference with, or possession of, one intervening canal on the part of a railway, will enable that railway to exercise great influence for weal or woe on the other canals.

1131. Can you give instances?—I do not know that that there are any that strike me at the present moment. I did not come prepared on that point.

1132. Although you are not prepared to speak on the subject in detail, have you any doubt that such is the case in some portion of the district in the neighbourhood of Birmingham?—I have not the slightest doubt of that; for instance, I have applied often to the Birmingham Canal Company for a reduction of tonnages on their canal, on a particular commodity coming from lines beyond their jurisdiction; and they have said, "We are very sorry we cannot reduce our tonnages, without first consulting the London and North Western Railway Company; we must have their consent before we can reduce the tonnages at all;" all the other canals having previously agreed on such a reduction.

1133. Is not, therefore, keeping up the rate on one link of the chain a discouragement to competition throughout the whole of that chain?—Unquestionably; it prevents the commodity coming on the existing canals at all, and throws it on the railways. That is the tendency.

1134. You have spoken of the extension of the broad gauge to Birmingham and Wolverhampton; were you yourself a party promoting that extension in the year 1845?—In 1845 I, in conjunction with many other iron masters, took an active part in the promotion of a line from Oxford to Wolverhampton, in connexion with the Great Western line, which was to be on the broad gauge; and eventually on the narrow gauge also. We succeeded in getting that line. One year subsequent to that period there was another project for extending the line from Birmingham to Oxford, which was another competing route with the existing London and North Western line. We succeeded eventually in getting

getting the broad gauge laid down on that, which was extended the same year to Wolverhampton. When these lines, the Oxford, Worcester and Wolverhampton, and the Oxford and Birmingham lines were projected, they were supported, on the ground of the necessity of some competition with the London and Birmingham Railway, by the proprietors of the Grand Junction Railway from Liverpool to Birmingham, and also by the Liverpool merchants and traders passing along that line. I believe the gentlemen in that interest gave evidence before the Committees of the House of Commons as to the propriety and necessity of an additional communication between Liverpool and London.

1135. The Grand Junction at that period not being on terms of amity with the London and Birmingham?—The Grand Junction at that period had taken some offence at the London and Birmingham buying the Manchester and Birmingham line from Crewe to Manchester.

1136. What is your view upon the subject of the amalgamation of railways in the district in which you reside?—The question of an amalgamation has engaged the attention of myself, as well as the other manufacturers in that neighbourhood; and our opinion is, that it has a tendency to keep up prices, and to prevent that sort of competition between rival schemes which brings the rate of charge to its minimum, and to which, I do not hesitate to say, we owe a great deal of the benefit of the railway system. Its general tendency would be to enhance the dividends of the proprietors, but to act injuriously on the interests of the public.

1137. Have you no apprehension of the two schemes coming into combination as soon as their respective systems are consummated?—I should have great apprehensions of it if the two rival lines from London to Liverpool were to be on the same gauge. I think the tendency in that case would be, that when the lines were completed, they would cease to be competing lines, and would probably be amalgamated lines. The interests of the proprietors, I dare say, would dictate such a project as being likely to enhance their dividends. But if you get two railways on different gauges and different systems, on which a strict intercourse cannot be so easily accomplished, there are obstacles in the way which I think would prevent any amalgamation taking place for a long period. I do not mean to say there would not be some degree of facility for amalgamation, or some temptation to it. If they were to amalgamate eventually, provided the rates were kept very low, the business done very well, and no ground for complaint, either of want of accommodation, or the rate of charge for the fares, the public then would have no grievance. But the probability is, in the event of such an amalgamation, that the rates would no longer be reduced, but probably advanced, that the accommodation would be restricted, and that the tendency would be to increase the cost of traffic from the midland parts of England to the outports, and the public would get dissatisfied. I think, further, in that case, so impatient is the manufacturing and trading public under a sense of want of fair-play, that they would immediately start a rival project from London to Liverpool against the existing amalgamation. Possibly there might be difficulties in getting that carried, but at a period when capital was very abundant, and when the sense of injury and desire of being independent was very strong in the public mind, it would end in having a rival line of railway against the amalgamated system of railways.

1138. Upon the whole, would you rather rely for securing to the public those advantages of which you have spoken, on the probable rivalry of the broad and narrow gauges with each other, than any legislative measure which Parliament might now take to ensure you a reduction of rates, and a supply of all the conveniences which you require?—I cannot myself see any great difference between a large railway enterprise and any other large manufactory for the produce of a commodity. It is quite clear, although there may be some little loss of capital involved in having rival lines, and more money spent on railways than if you were to do the thing over again, yet the system of competition will always produce the very lowest amount of charge, eitheir in the case of a manufacturer or a railway company, that is consistent with their outlay; and there is no system which you can devise that, in my view, will be so efficacious for securing the interest of the public, as that of a free and unrestricted competition in railroads as well as in all other enterprises.

1139. Is there a perfect and free competition now in those trades which require a very large capital; for instance, is there not among the great ironmasters a pretty general understanding as to the price at which from time to time the public

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public should be served?—You cannot call that a monopoly, because everybody who has got capital may come into the iron trade. It is open to all the world.

1140. Is it not the case, notwithstanding that freedom for all mankind to go into the iron trade, that there is, nevertheless, a pretty general understanding among the persons engaged in that trade as to the price?—No, there is no understanding whatever beyond this, that when the price of iron is going up, the iron trade meets for the purpose of having some uniformity of price, and that uniformity of price continues so long as the demand is greater than the supply. The very moment the demand ceases to be greater than the supply, all uniformity of price is abandoned, and each person gets what he can, except it be a few particular individuals, who make a certain sort of iron that the public cannot very well do without, who keep up their price to a sort of uniformity. They may be said to be the exception rather than the rule.

1141. Do you not think two railway schemes, where the tendency of increasing population and trade was to throw more and more traffic on the lines, would be very likely to come to this good understanding between themselves as to the price at which the public was to be served?—Very likely, indeed.

1142. Then competition between a consummated broad-gauge line and a consummated narrow-gauge line would not secure those low prices and that great convenience to which you have been looking forward?—It would not secure it, unless the public were to get dissatisfied with their charges, and then the result would be, the public would combine; they would have to start a rival enterprise, and the fear of a rival enterprise being started, would keep those parties who had this mutual understanding, within reasonable bounds in their charges.

1143. Would not a good understanding between two bodies so powerful as the broad gauge to Liverpool and the narrow gauge to Liverpool, be a very serious discouragement to any third body to raise a new capital, for the purpose of making a third line?—I have no faith in any such discouragement. I think the enterprise, determination, and command of capital in this country, is quite equal to meet the exigency; and that the public get so impatient under a sense of injury, or a high rate and unfair charges, that I should have no doubt about capital being found for a rival enterprise, that would bring the charges so arranged, between these two existing companies, within a fair and moderate limit.

1144. Do you think it is a desire to get rid of an injustice, or a desire to get a good dividend upon their capital, which generally leads people to become shareholders in railway undertakings?—I should think the staple desire on the part of railway proprietors is to get a good dividend for their capital; but I know many cases (I am one) in which persons have advanced capital in railway enterprises, where the dividend is quite a secondary consideration to the desire of getting additional railway accommodation.

1145. Do you think that the district of South Staffordshire would be sufficiently powerful, both in its own strength and any associated strength it could induce to join with it, to create a third line all the way from London to Liverpool, that third line being upon the hypothesis of being opposed by the combined broad-gauge and narrow-gauge interests?—I do not know that I could venture so far as that; I should be willing to leave it to its chance; I would rather have that chance than have any control or arrangement between the Government and the railway companies; I, as one of the public, would be quite willing to give the public a fair chance, and let them take care of themselves.

1146. Mr. *W. Patten.*] At the present moment is there not a combination between the broad gauge and the narrow gauge from your country to London?—Not at this moment.

1147. Has there not been an arrangement with regard to the traffic and rate of fares?—Perhaps there may be; I am not aware of any such arrangement; I am not a proprietor in either the London and North Western or the Great Western, and I am not aware of what arrangements they may have made.

1148. But supposing such an arrangement had been made, do you think a third line could be carried out to counteract that arrangement?—If that arrangement involves no increase of charge to the public, and they ought to be satisfied now with the present rate of charge, the public would not care about their making arrangements. The only time when the jealousy or vigilance of the public would be excited, would be when they began to act prejudicially to the public.

1149. *Chairman.*]

1149. *Chairman.*] Suppose the great increase of traffic were to make the two companies very highly remunerative at the present rates of charge, would it not be reasonable that the public should have the benefit of a portion at least of that increase in a reduction of the charges?—I think it would; and if they did not give it, the result would be, that capitalists, seeing that this existing capital was paying handsomely, would feel a desire to participate in it by constructing a new line.

1150. Is not the present limit the Parliamentary limit?—I do not think they are up to their Parliamentary limits; I speak with a certain want of information, but I think most of the railway companies are charging within their Parliamentary limits.

1151. Is that the case with respect to goods?—Goods and passengers; that is a point I cannot give you much information on.

1152. Mr. *Denison.*] Is it your opinion that competition, as a principle, is as applicable to railways as it is to other sorts of enterprise?—I cannot see myself any great distinction.

1153. Supposing you carry your views a little beyond the immediate district we have been speaking of: do you think, if the London and North Western, and the Midland Railway were to amalgamate, that the midland districts, and the districts which they supply, would be secure, if left to the chances of competition against such a company?—I should very much, as one of the public, and speaking generally, prefer having them left without an amalgamation.

1154. You perhaps have heard the evidence given here, that, without an Act of Parliament, agreements between companies now amount almost to the same thing as amalgamation as against the public?—I have no doubt they do; but there is this distinction in the case of amalgamation, the grievance, if there be one, becomes permanent. In the case of traffic arrangements, if there were to be any material outcry against such arrangements, they may be undone by the power which created those arrangements.

1155. But supposing a district is pretty well covered over with railway lines, and that those lines agree among themselves to make certain arrangements for their own benefit as against the public, what protection do you think the public would have, on the principle of open competition?—It is very difficult to say, speaking generally.

1156. I am speaking particularly; I invited your attention to a particular case, the case of the London and North Western and the Midland district; for that district, occupied by those lines, do you think, for a complete agreement or an amalgamation, if either were effected, that competition would be a security to the public?—I think it would. I should be very willing, if I were in the immediate district, to leave the question open to such remedies as the competing spirit of the public would suggest for a remedy of that grievance.

1157. What do you think the competing spirit of the public would suggest?—Probably it might suggest additional lines in some quarter where they could get them. If the district was so covered with lines that there was no getting additional lines, then there is no remedy at all.

1158. Instead of general answers, your attention was invited to a particular district, which you know perfectly well, the district of the London and North Western and the Midland Railway?—That is a very wide district; to what part do you refer?

1159. If those companies from London and Derby, and further north, to York, for instance, were to amalgamate or combine under agreements, do you think that the principle of competition would enable the public to have securities?—If the combination effected an arrangement of rates, and a large increase of dividends to the shareholders, I then think that additional capital would be found to make fresh lines, and to keep that within due limits. If this amalgamation had no effect upon the enhancement of the rates or the dividends of the shareholders, I think such an amalgamation could scarcely be said to be a grievance on the public. When I speak of the enhancement of rates, I ought also to add, any material restriction of accommodation. That is an element which the public recognise as injurious to their interests, quite as much as the enhancement of rates.

1160. The rates are regulated by Act of Parliament; and these companies, as you have heard, are nearly working up to their Parliamentary limits now?—Yes.

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1161. So that there could be no great enhancement of rates?—If there could be no enhancement of rates, and the dividend still remained in about the same proportion as the dividend now paid on the Midland Railway Company, I do not object to the Midland adopting such a system as will protect the interests of the shareholders in a reasonable degree.

1162. Then you think, under those circumstances, that if amalgamation could not materially raise rates, that perhaps it might tend to grant accommodation, and diminish expense of management, without deterioration to the public interest?—I think the same end would be accomplished by traffic agreements. I should say that the Government should look with jealousy on the amalgamation, because it is a permanent arrangement. If the traffic arrangement is found injurious to the public, they will come to the Government and complain of the injury, and you will have to alter your arrangement or be open to some rival competition.

1163. As one of the public, do you think that it would be better to leave these companies to such traffic arrangements as they might make, without any control of Parliament, or would it be better that Parliament should grant amalgamations, at the same time taking many securities, which they could take while they were granting those increased powers?—I can see my way to Parliament granting the amalgamations, but I could not see my way to Parliament getting sufficient control over the railways to enforce those salutary rules which would benefit the public. I have had repeated conversations with gentlemen connected with railway affairs; I have heard what Mr. Stephenson has said on this matter in his evidence, and I think his plans essentially defective, and would not accomplish the object proposed by the advocates of amalgamation, and, at the same time, Government supervision and control.

1164. Do you admit that traffic arrangements and traffic agreements are good to the extent of amalgamation, as long as they last, against the public?—Yes.

1165. Then, as one of the public, is it better that you should have some attempt at security, such as control by a central board, and audit of accounts and other things, or to leave the thing to chance, without any attempt at control over such companies?—I would rather leave the thing to be remedied by the public themselves. I have no faith in any scheme devised for Government control, and still less confidence in a Government audit of accounts. I advocate the "*laissez nous faire*" doctrine.

1166. Mr. *Henley*.] You have stated, with reference to the competition that has taken place in your iron districts, that originally it was between the canals themselves, beginning at a period of 25 years ago, and then the railway system came afterwards; can you give any information as to what the immediate reduction of price per ton in the carriage of goods was on account of that competition?—Yes, I think I can, as to the competition with canals. On the making of the canal from Runcorn to Manchester, the rates on iron from Staffordshire were reduced from 20 *s.* to 15 *s.* per ton. On the making of the London and Birmingham Junction Canal, the rates fell in about the same proportion. It was in the proportion of 25 per cent.

1167. Has anything further happened in consequence of the railway competition?—When the Grand Junction Railway was made, the rates fell, I think, to about 12 *s.*, and subsequently to that they have fallen to about 8 *s.* from South Staffordshire to Liverpool.

1168. The charge being originally 20 *s.*?—What was originally 20 *s.* is now done for about 8 *s.*

1169. Can you state the number of tons of iron that go out of the country annually?—I cannot; it is very large from South Staffordshire to Liverpool.

1170. *Chairman*.] Has the price of iron fluctuated much in the same time?—The price of iron has fluctuated from 5 *l.* a ton to 12 *l.* a ton.

1171. Mr. *Henley*.] Is it at that high rate now?—The current quoted rate is now about 11 *l.*, delivered in Liverpool; it has been sold as low as 5 *l.* 10 *s.*, delivered in Liverpool within these twelve months.

1172. Has there been the same reduction of rate on other goods as there has been on iron?—I should think in something like the same proportion; but I cannot speak on that point, because I send no goods but iron to Liverpool myself.

1173. Has there been any diminution or change in the rates from the South Staffordshire

Staffordshire district to Bristol?—Yes; not to the some extent. Upon the railway communication between Staffordshire and Bristol, I am by no means so competent to speak as between Staffordshire and London, or Staffordshire and Liverpool.

1174. What is the diminution in charge between Staffordshire and London?—Previously to the establishment of railways, it was 40*s.* a ton; and now it is 18*s.* 10*d.*

1175. What is it to the east coast?—To the east coast, to Hull, we pay about 13*s.*

1176. What used you to pay?—We used to pay 18*s.*; it has been reduced to Hull in a greater proportion than it has been reduced to Leeds. Between Hull and South Staffordshire there is a very good and cheap water communication. We go down by canals; and the consequence is, that the railway companies charge less to Hull, through our having the water communication, than they have charged to Leeds, which is a very much shorter distance, by the extent of 5*s.* a ton. This was the case a few months ago, when I had occasion to investigate the matter; what it is there now I do not know.

1177. Where the competition has been complete, there you get your goods carried at a lower rate than you do to Bristol, where competition is not so complete?—Precisely; whenever we find the competition is effective between two railways, or between a canal and a railway, we then get the charge at the lowest possible rate; at all events, at such a rate that satisfies us it is the cheapest we have a right to expect.

1178. Of course, that gain of carriage is *pro tanto* a gain to the whole community?—To the public; and it has this effect, which is not to be undervalued, that every shilling economised in the cost of transport from the Midland districts and to the outports, enables us to compete to that extent with an additional advantage with the continental manufacturers, and with the other countries of the world.

1179. And the whole gain on that transit may compensate in some degree for the increased cost of railways, where they have been made somewhat improvidently and quickly?—I know from conversations with Birmingham merchants, taking the article of press nails, which is a very large commodity exported to the different colonies, that the economy of transit alone from Birmingham to the outports, has been the means of sending the orders to Liverpool, and thence to the Birmingham manufacturers, rather than to Antwerp, and thence to Belgian manufacturers.

1180. Has there been some increased competition between the broad and narrow gauge in the Birmingham district?—Yes; there has been the usual increase of economy in transit of traffic between Birmingham and South Staffordshire, as connected with the outports.

1181. Has the broad gauge coming there, in your judgment, lowered the rates?—It has lowered the fares, and will continue to lower them. I form that opinion from this circumstance, that where you get a competition between two railways of the same principle and the same gauge, you do not get that keen and eager desire to perfect the character of your traffic, and to economise in your tolls, and to do the business so effectually, as where you get two rival systems and two rival engineers, both of them very eminent in their particular spheres, as you do between the two systems I am now describing; and I look more to the general improvement of railways from the rivalry between the broad and narrow gauge, than from any other source of improvement that is likely to arise.

1182. Do you consider that the rate of transit has arrived at its minimum yet?—That is a very difficult thing to say. The improvements within my recollection have been so rapid, that what in our wildest dreams we should imagine could not have been accomplished has been accomplished; therefore I should be sorry to say that the minimum of rate for traffic has arrived.

1183. You would not wish to be tied to the opinion that the existing rates should be assumed as the minimum?—Very far from it; I should be very sorry to see such a doctrine as that established.

1184. Has there been a greater or a less reduction of fare from South Staffordshire to London, where you have the broad and narrow gauge in competition to a certain degree, or to Liverpool, where you have only the narrow gauge?—The charges on goods per ton, I believe, are the same, or thereabouts; I do not speak very accurately, from Birmingham and Staffordshire to London as to Liverpool.

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Liverpool. The reason of an apparently higher rate of charge is the terminal charges in London for delivering it to the different places where it is consigned. The competition of the broad and narrow gauge into Staffordshire can scarcely be said to have begun; the Birmingham and Oxford line only opened in October last, and it is only within these last two months that they have professed to carry goods at all; therefore the competition can scarcely be said to have begun in South Staffordshire between the broad and narrow gauge. The competition to Birmingham has only just begun, so that we are waiting the development of the system to see what the real practical reduction of fares is likely to be; at present we do not know what the precise reduction will be.

1185. *Chairman.*] Are not the advantages of this mixed gauged competition all in future, because you have not had it yet either to the north or south?—Not either way; we expect a great deal from it.

1186. Are you aware that a correspondence has passed between the two companies, in which the owners of the broad gauge propose to accommodate the traffic at equal rates with yours of the narrow gauge?—I cannot speak to that; not being in the confidence of either of the Boards, I am not privy to their communications beyond what I see in the newspapers.

1187. My information is not derived from the two companies, but from general sources of knowledge. Do you doubt, when the broad gauge opened into South Staffordshire, that an offer was made by the owners of the broad gauge, to take the traffic at equal rates with the owners of the narrow gauge?—I dare say such an offer was made.

1188. If that offer had been accepted, what would have become of the competition of the two parties?—I should have left the two parties to have agreed as long as they could; and if there had been any pressure on the public in consequence of that agreement, we should have let them know that the public were able to break it down; I dare say we should have found some means of doing so.

1189. You spoke a little while ago of making a new line in order to get rid of a sense of injustice; and you stated that you had contributed capital to lines, not for the purpose of getting a return, but for the purpose of getting rid of the high rates of charge?—I did.

1190. Do you know whether the prospectuses of those lines, of inviting persons to become shareholders, stated to the public that the prospect was not to get a remuneration on the capital, but to break down the existing monopoly, which was inconvenient to some persons in the district?—No, I think not; I think the prospectuses would hardly state that. The prospectuses issued by the great majority of the projectors stated that a reasonable interest for the investment would be forthcoming.

1191. Supposing one part of the shareholders to be influenced by the desire to break the yoke on their own necks, would not the other part, who are not so acting, come in under the erroneous expectation of getting a return for their capital?—I do not mean to say that parties go in under a definite impression that they should get no return for their capital; but a man having capital in a business would not be likely to embark that capital in a railway where they contemplated getting only 3 or 4 per cent. The public would not be satisfied with a return of that sort. I myself have embarked capital in a railway, because that railway would administer to my convenience in a variety of other ways. If it had not administered to my convenience, I should not have embarked capital with the prospect of getting 3 or 4 per cent. for it only.

1192. Do you think that, if two lines were firmly connected together by a private understanding, the broad gauge and the narrow, to carry at equal rates, that a desire to create a new competition would be so strong as to induce people to raise the large capital requisite for creating a new through competition between London and Liverpool?—No, I do not think it would, if they were to charge the existing rates to Liverpool. I think the public are tolerably satisfied with the existing rates; and if the broad gauge companies carry at the existing rates, whether they carried as separate railways or as junctions, provided the public get well served there would be no ground for complaint; but I can see no object this amalgamation will have, except that of raising the rates and increasing the charge on the public, or restricting the accommodation by which economy can be effected.

1193. You

1193. You stated that you were not satisfied that the public had already attained the maximum of advantage in the reduction of rates, and that it is to competition you look for securing future reductions?—Yes.

1194. If those two companies were to agree to carry at equal rates, and if it were to be found impossible to get the capital requisite to create a third company, how would the public obtain these prospective advantages that you look forward to?—Unless under some altered state of circumstances, you would not require a material reduction of rates. If, for instance, the produce of all the manufacturers were to be reduced in price, the necessity for economising would become very strong; and in that case they would apply to the railways for some reduction of their fares. If they were not met, to some extent, according to the wants and expectations of the public, I think there would be some enterprise started by which they would be forced to do so. I only speak from my previous experience, and I do not see anything there is to shut out the same process for the future that has been in operation for the first period of my mercantile experience.

1195. Are there other gentlemen in your part of the country who are desirous to give evidence much to the same effect as you have done?—Yes.

1196. Will you name some of them?—There are one or two large iron masters, Mr. Bagnall, Mr. Dymock, Mr. Blackwell; and one or two gentlemen connected with the salt district, Mr. Clay and Mr. Corbet, expressed their desire to come up; and Mr. Chance, a gentleman largely connected with the glass trade, is now here.

Lunæ, 28° *die Februarii*, 1853.

MEMBERS PRESENT.

Mr. Cardwell.	Mr. Laffan.
Captain Jones.	Mr. Monckton Milnes.
Mr. Evelyn Denison.	Mr. Henley.
Mr. Strutt.	Mr. W. Patten.
Mr. Labouchere.	Colonel Mure.

THE RIGHT HON. EDWARD CARDWELL, IN THE CHAIR.

Captain *Mark Huish*, called in; and Examined.

1197. *Chairman.*] YOU are the General Manager of the London and North Western Railway Company?—I am.

1198. Has your attention been particularly directed to the results of the efforts to secure competition by means of rival lines?—It has been so for a number of years. I have held my present position for a considerable time, and from the extent of district occupied by the London and North Western Railway, and from the variety of lines affected by it, my attention has been very pointedly directed to that subject.

1199. Will you be so good as to mention the exact number of lines which are both in your possession and under your control?—The line of the London and North Western proper commences at Liverpool, and embracing Manchester, runs to London, with branches from it extending into the east as far as Leeds; having also several branches from it in the south part of its course, to Peterborough, Stamford, to Bedford, to Aylesbury; having under its control, by lease, the Buckinghamshire system; and having also an interest in the Shropshire Union Railways, being shareholders of the Chester and Holyhead Railway and others; we have also a certain degree of moral authority in those undertakings.

1200. Are you also shareholders in the Caledonian Railroad?—Yes.

1201. So that the number of miles over which your carriages run, or which are under your control, is considerable?—Yes; we work the line as far as Carlisle on the north, and as far as Holyhead on the west.

1202. What has been the effect upon cheapness and convenience to the public of making competing lines to the same places?—In the earlier history of the so-called

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called competing lines, a very considerable temporary diminution took place in the fares and freights to the public, but in a very short time those lines coalesced and combined, and the result has been, I think, in almost every instance where the game has been played out, I may say in every instance, to raise the rates to a higher standard than they were at before the competition commenced.

1203. Will you be good enough to give us some examples?—There is no part of our system in which we are subject to so many rival, or, as they are called, competing lines, as between Liverpool and Manchester; the distance is only 30 miles, and there are between those two points three railways and two canals; making five means of communication between those large foci of commerce.

1204. The three railways being your own, the Lancashire and Yorkshire Railway and the East Lancashire Railway?—Yes; and the canals being the Bridgewater Canal and another canal, which has been recently purchased by the Bridgewater Trustees, so that those now constitute only one.

1205. There is also a circuitous communication by means of the Leeds and Liverpool and Manchester Canal?—Yes; it scarcely comes into the category of competing lines, between Manchester and Liverpool. The result has been what might have been anticipated; the first operation was, that the two canals combined, the one bought up the other. The next step in the process was, that the Lancashire and Yorkshire, and the London and North Western Railway Companies made an arrangement to shut up the East Lancashire line from competition, they gave them inducements not to compete. The next step in the process was, that the Lancashire and Yorkshire and the London and North Western Railway Companies threw their joint traffic into a common fund, dividing it in certain fixed proportions for a long period of years; and having thereby reduced the active forces to one combined railway and one combined canal, they immediately entered into an arrangement with the Duke of Bridgewater's Trustees to prevent any competition between the canal and the railway by a reduction of rates. The effect of that was to throw the receipts of the combined railways and the combined canals into a joint fund, and divide it in a certain proportion. The result of the whole of this is, that the traffic between Liverpool and Manchester, where there were five means of competition, is charged a higher rate than the traffic upon many other parts of our system where we have no competition.

1206. To what do you attribute the circumstance that the rates are higher upon that part of your line than upon any other parts of your line?—The fact is, that a larger capital has been brought into the field, and that must have a return; none of the parties can afford to do for the same price that which we could afford to do, where the traffic was altogether in our hands. You have asked me for illustrations, that is one. The next I might quote is between Preston and Liverpool; there for a long period of years the only communication was by Parkside. On the map you will see a straight line from Preston to where it strikes the line of the Liverpool and Manchester Railway, and then by the Liverpool and Manchester Railway to Liverpool. After a time a straight line was projected between Preston and Liverpool, the short side of the triangle; it was opposed by the North Western Railway Company, on the ground that it would not effect what was proposed by it. However, the Bill passed, and the line was made; a short struggle, and a very short one, commenced, which was immediately put an end to by combination, and with the exception of the Parliamentary train, which could not be raised, because it was limited according to the distance, the rates from Preston to Liverpool generally are higher now than they were when there was but one line for the conveyance of the traffic.

1207. The result of that would be, that the Parliamentary limitation is effectual, and that the limitation produced by the competition of the lines is ineffectual?—Exactly. Then if I go to the east of the country, there is our great antagonist, the London and York Railway; that railway had a very severe Parliamentary contest, and obtained its Bill on the ground of shortening the distance to the north, and breaking down, as they stated at the time, the monopoly of the North Western and Midland Railway Companies combined, and they obtained their Act upon what was called the crow distance, that is, they were not allowed to charge according to the sinuous windings of the line, but on the actual distance; they got their Act, after a great struggle, upon that ground. Having got their Act, they came again to Parliament, and stated that they had made a mistake in asking for that, and they solicited and obtained from

Parliament

Parliament power to charge according to the actual distance of the railway. That was a step in advance; of course we did not oppose them, as it was granting a higher rate. Their next was to come to Parliament to raise the tolls on the line, on the ground that the original calculations had been fallacious, and did not give the return which the proprietors had a right to expect. We did not of course oppose that either, and the result was that they obtained higher tolls. The line was made, and it was opened; a short struggle commenced there, as it has done in every other instance almost, but in a very short time the Great Northern Railway Company saw that combination was far more beneficial than competition, and we both came under an obligation to submit the division of the traffic at all the salient points to the decision of Mr. Gladstone. Mr. Gladstone very kindly undertook the office, which appeared to be a very difficult one; but in a short time he presented us with an award which I believe both parties thought was not quite what it ought to have been as regards their company, both parties were dissatisfied with it at the time; but I am bound to admit, that the more I reflect upon the award, the more I am surprised at the result, and that a person of Mr. Gladstone's habits has been enabled to divide the whole country in a manner which I think ought to be reasonably satisfactory to both companies. The result of the whole of that is, that the prices which the West Riding are paying for their staple, such as wool, from London, and the prices which Sheffield is paying for its steel, and hardwares, and plated goods, are considerably higher than they were when there was but one railway to perform the whole service.

1208. Those arrangements, of which you have been giving a description, are combinations voluntarily made between companies legally separated?—Yes, they are. I have given you but very few; I have a list here of 27 of those combinations, to which, within a very limited period, the London and North Western Railway Company has, at the solicitation of other companies, or originating with themselves, become parties. If you will cast your eye upon that map, you will see there is probably no part of the kingdom which is so intersected and interwoven with railways as Lancashire and Yorkshire. There is the East Lancashire Railway, the Lancashire and Yorkshire Railway, the London and North Western Railway, the Midland Railway, the Little North Western Railway, as it is popularly called, the North Union Railway, the Blackburn and Darwen Railway, and about six canals I think; so that, at the first glance at the map, it would seem that in that district there is a most effectual provision made to prevent the companies coming together, yet I do not know any part of the kingdom in which there is so close an alliance as there is there between every one of them; in fact, it is a very happy family; they have met, and have thrown the receipts from the traffic into a common fund, and have divided it in certain proportions. Since the Committee met last, the Lancashire and Yorkshire Railway Company have published their report for the half year, and with the permission of the Committee I will read one paragraph from it, because it will explain more shortly than I should probably do the position of matters in that district. This is a report which is published for the forthcoming meeting: "Your directors refer with pleasure to the continued existence of relations of a friendly character with neighbouring companies, to the maintenance of which it is their disposition to contribute as far as possible. Acting upon this principle, an extended agreement has been concluded with the London and North Western and East Lancashire for a term of years, by virtue of which the proceeds of the traffic of certain districts and places served more or less in common by the three companies, have been made the subject of division, and the necessity of incurring duplicate expenses in connexion with the working of trains and management of stations has been so far superseded."

1209. Do you see any objection to putting in one of those agreements?—I have not got one here; but I do not think there would be any objection on our own part to producing it. There is a much larger combination than any one I have as yet alluded to, between London and Scotland, to which a great number of companies are parties. There are eight companies by which the whole traffic to Edinburgh and to Glasgow is thrown into a common fund, whether it goes by the east or by the west coast, and divided into certain definite proportions for a long period of years.

1210. For what period of years?—I think it is for five or seven years. The one in Yorkshire is for 14 years.

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1211. You have mentioned that the Great Northern Railway Company obtained their Bill upon a low tariff, and afterwards came to Parliament for power to increase the tariff; has that been the case with any other railways?—Yes, the Lancashire and Yorkshire Railway Company came to Parliament for power to raise their rates. They had the whole of the district, from Liverpool and Manchester to Leeds, in their own hands for a long time. Then other lines were made in the district: the Huddersfield and Manchester Railway, the Leeds and Dewsbury Railway, and the Little North Western Railway. The result of that was to prevent the Lancashire and Yorkshire Railway from carrying at a profit at the rates they had formerly charged, owing to the division of the traffic. They came to Parliament, and Parliament gave them higher rates, upon which they are now working; and the rates charged to the public in that district now are, in most cases, higher than they were when there was only one line to convey the traffic.

1212. Is it your opinion that in those cases in which combination has taken place it has had the same effect as amalgamation sanctioned by Parliament would have had?—So far as giving the companies that natural protection against each other which amalgamation would give, it has had the effect; but, on the other hand, those combinations do not lead to any of the general settlements in perpetuity which amalgamation would effect; they are subject, of course, to revision and alteration, as circumstances may arise.

1213. And to dispute at the varying disposition of the directors of the different companies?—Undoubtedly; and they are pugnacious sometimes.

1214. There is another consideration which arises out of those words, "general settlements in perpetuity;" the sense of security in the holders of railway property is very different if the combination be merely by a temporary agreement, and if it be by Parliamentary enactment, and consequently the price which the property bears in the market is very much affected?—Of course, when they are only of a temporary nature they are subject to a continual diminution of value as the time for revision approaches, when the wits of the various parties are exercised to get another good bargain for themselves.

1215. Is it then your opinion that an arrangement of that kind is inevitable, and that the question which remains is, whether it shall be made the subject of Parliamentary adjustment, or left to the decision of the parties themselves?—Wherever a railway is constructed, or a canal is dug, and the capital expended cannot be recovered that an arrangement under such circumstances is inevitable, I think no one can for an instant doubt; it is not like the question of a steamboat, or a stage coach, which can be put on and off again at very little expense; but there is the capital expended, and, of course, the object of the parties having to face their proprietors every six months, who are ravenous for a dividend, is necessarily to see how they can, out of these united capitals, obtain the best return.

1216. I understand your opinion to be that this result, viz., combination, is inevitable, but that it is in the power of Parliament, by judicious arrangements, to secure protection to the travelling public, and at the same time to increase the value of railway property?—My opinion is, that as these combinations are inevitable it would be better for the public that they should be permitted, under certain restrictions and control, with a view to protect the public interests, and which, on the other hand, I think would make railway property of considerably more value than it is at present, subject as it is to a feeling of insecurity in not knowing what Parliament will do next Session.

1217. It has been admitted, in some cases, that the amalgamation of continuous lines is beneficial, while it has been alleged that the amalgamation of parallel lines is undesirable; will you give your opinion upon that subject?—The amalgamation of continuous lines is evidently for the public interests; for instance, if a man took a seat in a carriage in London to go to Aberdeen, he would have six continuous lines to pass over, and might be forced to book himself on six different occasions; and, as is very frequently the case, a fast train will run for several miles over one line, and it will then fall into a line where there is a slow train stopping at every station, so that, in fact, the advantage of the speed on one part of the line is neutralized by the sluggishness on another part; and therefore an amalgamation in such a case appears to be pretty self-evidently for the public interest. With regard to parallel lines, you may

may depend upon it that they will combine and amalgamate for their own protection.

1218. Then what I gather from your last answer is, that, in your opinion, however desirable amalgamation may be for continuous lines, it is more desirable to have regulated amalgamation for parallel lines?—You will certainly have amalgamation for parallel lines practically secured by working agreements; whether you think it necessary to obtain, in return for that, any advantage for the public, it is for Parliament to decide.

1219. What has been the effect of the attempt to compel companies to work together by forming what are called joint-stations under one management?—Joint-stations under one management have been a more fruitful source of quarrel, litigation, Chancery proceedings and disagreements, than almost anything else connected with the railway system. We will take the case of a joint-station belonging to two companies, probably under the management of three directors from each company; if they are competing lines, before the battle is fought and the game is played out, when any question arises three directors vote one way and three the other; there is no casting vote, and the whole thing is brought to a dead lock; then, with regard to the public, very great inconvenience arises. The Committee will permit me to mention a fact which came under my notice a short time ago, when I was standing at a station on our line. There is a joint-station at Shrewsbury, and from that point, coming to the south, passengers can proceed either to Wolverhampton on the Shrewsbury and Birmingham line, or through Stafford by the London and North Western line. I was standing at Wolverhampton, and I saw a gentleman in a great state of excitement; I went up to him, and asked what was the matter; he said he was in a position of great difficulty; that he had left Shrewsbury to get home to his family at Leighton, on the North Western line, and that he had come the wrong road. I said, "What did you do when you were at Shrewsbury?" He replied, "I went into the office, and I asked the clerk there which was my way to Leighton; and he said, 'There are the time bills of both lines.'" I added, "What did you do upon that?" He said, "I tried to understand them, and I could not; I asked the clerk again which was my best road to go to the south; and his answer was," and it was strongly impressed my mind at the time, "'I serve two rival companies, and it is as much as my place is worth to give you any information.'" The consequence was, that this gentleman, instead of going by the right road, went by the wrong one, and did not get home at night. That is one illustration; many instances could be given of inconvenience to the public. I have more complaints in reference to joint-stations, ten for one, than I have in reference to single stations. A passenger has taken a ticket for one line, and gets into the wrong carriage, because no information is given him; and afterwards he complains that one line has taken his money, and that he has had to pay again to the other line over which by mistake he has gone.

1220. What is your opinion of running clauses?—I have two objections to them; I think them unfair and unjust in themselves; there is no disguising it that it is an attempt of one company whose line probably is not paying very well, to assist their own dividend out of the capital of another set of proprietors, whose line may happen to be paying well; that is one ground upon which I object to it, because although the companies generally come with the plea of public advantage, and talk a great deal about the interests of the public, yet we know very well that the real object is to get a part of the dividend of the other company. The other objection I have to running clauses is on the score of danger; I foresee that if running clauses are greatly extended, the railway system in this country will get into so much confusion and danger, that it will be almost impossible to travel with any safety at all. That is not a new opinion of mine, for a year or two ago I wrote a pamphlet upon railway accidents, and in alluding to what I thought was the cause of those accidents, I said, "Lastly, reference must be made to the tendency of Parliament in recent Sessions to extend what are termed 'running powers;' it is to be greatly feared, that if this system is permitted to extend, a new element of the greatest danger will be introduced, the effect of which it is at present scarcely possible to calculate. If, with the whole energies of a concentrated establishment under well-known rules and discipline, danger cannot be avoided, what must be expected from strange and rival executives using the same line of rails, and unacquainted with its peculiarities?"

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1221. Do you consider running clauses to be asked for with a view to their actual exercise, or with a view to obtaining from the company owning the line to be run over, such an advantage as was described to us at our last meeting by Mr. Stephenson, as having arisen to the shareholders of the Grand Junction Railway Company from the running clause that they had over the Trent Valley Railway?—I conceive that in almost all cases the result would be an arrangement between the companies; running powers are granted over a particular portion of a line, in order, it is said, to save the construction of a duplicate line; they are asked for on the plea of public interest, and are obtained on that ground, and they are then sold as a matter of bargain almost as soon as they are obtained; that is the real object in obtaining them; it is not to use, but to sell them; I could give numberless instances of it.

1222. If Parliament were to sanction amalgamation, and to carry into effect the suggestion which you have made for the protection of existing railway interests, do you not think that Parliament would be entitled to some decided measures for securing to the travelling public the benefit of that profit which would naturally arise from increasing the traffic of the country?—Personally, I have never been so much opposed as many parties have been to what is called Government interference with the management of railways; I should not at all object to it; and on the other hand, I think it would be due to Parliament that if protection is given to companies in the enjoyment of certain districts, there should be an effectual means provided for securing the public against the abuse of those powers which would be so delegated to them.

1223. Do you include a Government audit within the scope of your intended measures for the protection of the public?—I have no objection whatever to a Government audit, provided Government did not throw the expense of it upon the companies, because small companies could scarcely bear it, and large ones would perhaps be considerably embarrassed by it. But as to Government audit in itself, I think not only is it perfectly justifiable, but that it would be hailed by some of the companies as a boon, inasmuch as those companies which could face the Government audit, and had no apprehension of any disclosures, would feel that they were protected against those companies which do not conduct their affairs with the same rectitude with which they consider they conduct their own; and that it would discourage those inroads upon them which are made occasionally by companies which charge the cost of them in their capital account.

1224. Do you contemplate a limited dividend, and periodical revision?—I should have no objection to limited dividends, provided they were not too low, 7 per cent. or 7½ per cent. to our own company; to other companies it might be unfair to fix the same per-centage; there are companies that are paying a larger dividend than ours, and it would be manifestly unjust to curtail them, and fix their maximum dividend at the same rate as that of the North Western Railway Company.

1225. In assenting to the principle of a limited dividend and periodical revision, do you intend to stipulate for a particular dividend for the London and North Western Railway Company, or to leave that question open for such an arrangement as Parliament might think fair?—I think if the London and North Western Railway Company were fairly heard upon the subject, and obtained an exemption from those ruinous contests which invariably end in combination, but which are sure to leave their results behind them in a foolish and wasteful expenditure, which can never be recovered again, they would not object to submit the whole case fairly to Parliament.

1226. Supposing such an arrangement were made, how would you provide for the future extension of railways, in order to supply rural districts, and any towns which are not now furnished with railways?—When the various systems of railways were grouped very much into families, it would be of course necessary, from time to time, to have extensions of the system within those circles, and I think it might fairly be left to the Board of Trade to decide to which part of one of those systems any branch to any town or village belonged. I would go the length of giving a compulsory power to the Board of Trade to insist upon the line being made by the particular company within whose province it fell, under certain limitations.

1227. When you speak of the Board of Trade, do you comprehend in that an arbitration under the direction of the Board of Trade, such as Mr. Stephenson referred to?—I only heard part of Mr. Stephenson's evidence, but I concur in it

it to a considerable extent. I think the difficulty which I have heard raised in regard to such an arbitration would be found in practice not to be anything very serious. I am led to say so, because there is now a confederation of railway companies, which is called the clearing house; there are 65 railway companies in it. We have one delegate from every railway company; they meet periodically at the clearing house, and transact all the business which affects them as a system. Difficulties are perpetually arising at particular points, and quarrels between companies meeting there. We are getting very much into the system of submitting those matters to arbitration, leaving it to the clearing house to appoint the arbitrators. They always select them from districts which are not supposed to be at all affected by the questions immediately under discussion, and in that way a vast number of questions are settled.

1228. Can you instance any of the disputes which have arisen and have been settled in the manner you refer to?—We will suppose that a collision has taken place at a particular point, where two companies come into the same station; one company says "we are all right," the other company says, "you are all wrong;" "the signals were out," that is denied; and a question of difficulty arises. The clearing house then, with the assent of both parties, appoints arbitrators to decide the question, selecting them from districts not affected by the dispute, but remote from it.

1229. Mr. *W. Patten.*] What is meant by the clearing house?—The clearing house is constituted under an Act of Parliament, which enables them to sue and be sued. It is a perfectly voluntary association as regards the companies themselves.

1230. How is the business conducted?—A delegate is appointed under the seal of each company, and those delegates meet in conclave once a quarter.

1231. What do you mean when you say that the clearing house selects the arbitrators?—The delegates present select the arbitrators among themselves, and therefore I see no insuperable difficulty in the same kind of framework being adopted under the authority of the Board of Trade.

1232. *Chairman.*] Have you any observations to make upon the subject of the Gauge Act?—No, I really have little to say upon it; it is a question more for the lawyers. I understand the position of the Gauge Act to be generally this: that either by inadvertency or by design, certain words have been imported into the Gauge Act, which leaves the question, not as Parliament intended that it should be left, settled, but very open; and that what is now desirable is, that what Parliament intended in the first instance to do, but failed to effect, should be effectually carried out.

1233. Are you of opinion that an interest so great as these amalgamated companies would become, could be easily regulated by an arbitration, to be constituted under the superintendence of Government, so that all just complaints made by the public against the companies might become the subject of such arbitration?—I really see no difficulty myself. It would be troublesome, and it would require careful consideration, and it would require, in carrying it out, the assistance of men who are practically acquainted with the details of railway management, and able, from their knowledge of the working of railways, to give a judgment that would be acceptable to the companies. I think that the difficulty which the Government has hitherto laboured under has been, that their decisions have principally emanated from gentlemen who, though of the highest talent and education, have not had any of that practical knowledge of the working of railways which would have induced companies to rely upon their decisions.

1234. But is it not difficult to obtain the assistance of persons who are practically acquainted with the management of railways, and who at the same time are perfectly disinterested in regard to the disputes which arise between the companies?—No doubt there is that difficulty; all the practical men are engaged in one part of the system or the other, and have their opinions coloured and biassed, to a certain extent, by the views of their own companies.

1235. And even though they were not really biassed, would they not be open to the suspicion of being so biassed?—Yes.

1236. Do you think it would be possible to obtain, from time to time, such men, as arbitrators, as would give satisfaction to the public and to those engaged in the management of railways?—I see no difficulty in obtaining men of

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of that class; men who have had large experience, and who ought to be above all suspicion.

1237. If arbitrators were appointed, *pro hâc vice*, it would be easy to take, in each case, a person whose previous history had not connected him in any way with the district in question?—Yes, if we had to submit a question to arbitrators, I should not object to take, as arbitrator, any person to the south of the Thames; for the lines in that part have not been brought into competition with us.

1238. Mr. *W. Patten.*] Do you not consider that the system of arbitratiou would be incomplete, as regards those companies that have not closed their capital accounts?—I do not think that it is a necessary element as regards arbitrations; all those matters can be easily valued.

1239. Do not you think it would be necessary, before a system of amalgamation was carried out, that each of the railway companies should close their capital account?—No, I do not; because, in the documents that would be laid before the arbitrator, all those questions would be fairly estimated and dealt with as estimates.

1240. Supposing a company had the power of raising 1,000,000*l.* of capital, in addition to that which it had raised, do you think it would be possible to establish a fair system of arbitration between that company and one which had closed its capital account?—Certainly, I think there would be no difficulty; the arbitrator would take that fact into consideration, in the value that he would attach to the unfinished works, or the uncalled-up capital.

1241. Take the case of a company empowered to raise 1,000,000*l.*, and only half a million has been called for, and it is probable that the remainder will not be called for?—I think it would be quite possible to take a company which has its capital account closed, though that is difficult to define, and another company wishing to amalgamate with it which has not finished its works or raised all its capital, it would be all a matter of estimate, and the dividend would be calculated accordingly; the decision of the arbitrator would be final, the capital not be opened again without the consent of Parliament; so that it would become the united capital of the two.

1242. Are you aware how many of the principal companies have not closed their capital account?—It is difficult to say whether any one has closed its capital account.

1243. Has your company closed its capital account?—Yes; but we open it again by special vote of our proprietors.

1244. Has the Midland Railway Company closed its capital account?—No.

1245. *Chairman.*] You think it would be quite possible to value the precise financial position of two companies, and amalgamate them?—Yes.

1246. In short it is what you and the Midland Railway Company are proposing to do, though both your capital accounts may be considered, in one sense, as open?—Yes.

1247. Supposing the capital account of the amalgamated company to be closed, that is, supposing it is the intention of Parliament making the arrangement, that the capital account of the amalgamated companies shall be closed, and that what has been called the pivot dividend shall be fixed; do you think there would be any difficulty in showing, to the satisfaction of Parliament, that the amount of the capital of the companies had been fairly ascertained, and the amount of the pivot dividend fairly valued?—I see no difficulty whatever in this. We will suppose two companies wish to amalgamate, one of which is paying at the present moment 5 per cent., and the other 3 per cent., the 3 per cent. would be immediately discounted so as to make it 60*l.* to 100*l.*, 40*l.* being written off as lost to the original holders; the stock of the two companies would then stand together at 5 per cent., and upon that would be paid the dividend allowed by Parliament.

1248. Mr. *Henley.*] In fixing what has been called a pivot dividend of six or seven per cent. on the amalgamation capital, are you of opinion that Parliament ought or ought not to consider how that capital had been originally expended, as to its being wasteful or otherwise?—No, I think not. Otherwise Parliament would have to go back, and to visit on the companies the results of what I, with great respect, think has been very mistaken legislation, which has led to this wasteful expenditure in many instances.

1249. Your view would be, that companies being permitted to amalgamate, and

and make a common dividend, and to receive security against future competition within certain limits or districts, ought not to give the public any advantage at all, in case it should be thought that there had been a wasteful or improvident expenditure in those districts, in consequence of its being necessary to keep up a higher rate of carriage to pay this amount of six or seven per cent. which you have stated?—I understood the question to have this object; where three or four lines have been made between points which might have been accommodated with one, that you consider that the dividend should be limited to a lower point than it would be in other districts where there has not been that wasteful expenditure.

1250. That was not the object of the question: independently of having made three or four lines in a district where one would suffice, there may have been a vast and reckless expenditure in proposing new lines which never have been executed at all, and a great amount of Parliamentary expense and wasteful contests been prospectively caused, consequently the capital of the company may have been permanently increased, and no necessity for such increase?—Then to make companies pay the whole effect of that would be punishing them for what I ventured to say I thought had been mistaken legislation in urging on companies to make those expensive lines.

1251. And that in a case even where Parliament has resisted the granting of such lines, which the companies for their own purposes have brought before Parliament, and which Parliament has frequently thrown out?—Parliament may have resisted a particular Bill, but I think Parliament urged on the system under which these various Bills were applied for, and led the companies into a vast deal of the expense which they have been put to, and were the cause of the evil which we now all deplore.

1252. And your opinion would be, that whether the fault were in Parliament or in the companies themselves, supposing any such wasteful expenditure of money to have taken place, no allowance, considering the amount of capital on which the pivot dividend was to be fixed, ought to be made?—I think practically the thing decides itself, because wherever there has been a large wasteful expenditure of money, the dividends have been brought down, and my proposal or suggestion would be, to allow the dividends to rise to a certain amount beyond that which the companies are now paying before a revision takes place; one or two companies are paying very high dividends; the Lancaster and Carlisle is paying 8 per cent.; it has wasted no money in Parliament, and has had no competing lines. Other companies have had such contests and such expenditure, that their dividends are only 3 or 4 per cent.; it would be unfair to limit them both to the same dividend; but a certain dividend above that which they have been enabled to pay would be fair to both.

1253. Then do you propose to give a certain rate of dividend to each company?—A per-centage increase to each company; it might be done in various ways. I do not think it would be unfair, if you were to say that each company should be limited to a dividend of 2 or 3 per cent. above that paid in 1852.

1254. Then if you were to take a company now paying 3 per cent. dividend, and to give them 2 per cent. additional, you would give that company something like 60 per cent. of additional power of profit, would you not?—Yes.

1255. If you were to give 2 per cent. on the 8 per cent., you would give that company only 25 per cent., although that company had been most prudent in its management?—No doubt it would be open to that objection.

1256. Do you think that would not be an unfair way of dealing?—I think it would not be an unfair mode of dealing with it.

1257. Why do you make that distinction?—I think it would be extremely difficult to fix a rate of dividend to which all companies should equally rise, before you give the power of revision, and have brought in aid the operation of control for the benefit of the public, and as the next least difficulty, as the companies undoubtedly have been *particeps criminis* at least in the wasteful expenditure of money, though urged on by Parliament, I suggested the above.

1258. Mr. *Patten.*] When you say, "urged on by Parliament," do you mean that Parliament has given too great facilities to companies?—Yes.

1259. That it really in point of fact has caused a rivalry between companies?—They have been excited and urged forward by the policy of Parliament.

1260. What do you mean by "urged forward?"—By the facilities with which they have given lines anywhere and to any company.

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1261. *Chairman.*] Virtually what you have been asked about will come to this: if Parliament sanctions the principle of amalgamation, and the capital account of an amalgamated company be closed, the pivot dividend will be referred to a Parliamentary tribunal; and if the company do not think proper to accept amalgamation on the terms at which that Parliamentary tribunal fixes the pivot dividend, they will go without a dividend?—Undoubtedly that would be the result.

1262. It resolves itself therefore simply into a question whether Parliament can, by any means which may be open to it, so investigate the finance of the companies proposing to amalgamate as to fix their capital account, and to fix a pivot dividend which may at once be fair to the public and to the companies?—Undoubtedly.

1263. Do you admit that they can do that?—I have no doubt that will be easily effected; but at the same time the advantages of amalgamation alone, seeing that we could pretty nearly effect the greatest part of the objects without asking Parliament, would not be sufficient for the companies to make any large sacrifice to obtain it, unless they also obtained some definite decision of Parliament as to its future policy with regard to competition by new lines.

1264. Do you mean to say that the North Western, for example, is reasonably to be valued in 1853 as if it had wasted no money in unprofitable competition, or, on the other hand, that it should reasonably be valued according to its actual present value, including, in its present value, that prospect of earning increased dividend in future years which now actually appertains to it?—The present value of the London and North Western, of course, has been fixed and regulated by the fact of a certain amount of money having been wasted on it. If it had cost 1,000,000 *l.* less than it has done, it would stand so much higher in the market.

1265. And you assume that its present actual value is mainly to be considered by Parliament, and not some theoretical conjecture of what it may have been, if the legislation had been different?—You must deal with the facts as they stand.

1266. Mr. *Henley.*] I am not asking as to any theoretical view. My question went merely to this, whether the Parliamentary tribunal which was to fix the pivot dividend was to be at liberty to look back into the transactions of the company, to see what the state of that company had been with regard to its monetary transactions through the period of its existence, and to judge, therefore, whether its present status did or did not afford a fair and clear view of the true position of the company, so as to enable the Parliamentary tribunal to judge fairly between that company and the public?—I think you must deal with the facts as they stand. Of course most minute inquiry would have to be instituted in order to arrive at those facts, and to assure yourselves that there was no fictitious value given to the stock, and no concealment of any part of the case which would enable you to decide. But I do not think you would go back and say, "You made a very foolish line in this part of the country five years ago, and we will now make you pay the penalty."

1267. You have said there is a true value to the stock: does that carry with it the meaning, that the stock is not lower than it might have been, as well as higher than it might have been?—I believe that railway stocks at the present moment are lower than they ought to be, from the fear which the proprietors entertain of what will come next; but, at the same time, I think they stand pretty correctly relatively to each other. The Stock Exchange are very close investigators with respect to their relative value to each other.

1268. Do you think that there ought to be excluded from this Parliamentary inquiry all references to bonuses which may have been distributed among the proprietors of their lines, by the issue of shares which would, in various prospects, have been sold at very large premiums?—I do not know why you are to go back to the past in that way. You have a line before you, with a certain fixed capital, and returning a certain rate of dividend. You deal with that as it stands. The bonuses have affected the dividend to a certain extent. The shares issued at a discount by many companies who have had difficulties in raising money, have also interfered with the profits of the concern; but it has worked itself into a certain position. You take it as you find it, and in return for giving a certain control, which I should be prepared to do, to a Government Board, we are to obtain, in the first instance, a kind of protection in certain districts, and to submit to a revision for the benefit of the public.

1269. You were understood clearly to be of opinion that that Parliamentary inquiry

inquiry ought not to look back into any of the matters suggested, but that they ought to take the existing status of the company, if 1852, or any other period, be fixed; and to judge from that what is to be done in future?—I see no injustice to the public or to the companies in that view. I see extreme difficulty, if not risk, in going back to the past transactions of any one company.

1270. Mr. *Denison.*] If things are left as they are in railway legislation, has the public any means of protecting itself, or providing compensation for itself for these unnecessary expenses and lavish expenditure which has taken place?—None whatever; and whatever expenditure is made, it ultimately comes back on the public, because capital must have a certain return, and will have it, if it is possible to extract it.

1271. Do you think it possible for any Committee or any Commission to go through the history of every railway, from its origin to the present day, and to give any available opinion as to what part of the money had been spent judiciously, and what part had been spent necessarily or unnecessarily?—I should be very sorry to be on any Commission of that kind. I think it would take a man's lifetime, and a very unsatisfactory and useless expenditure of time it would be.

1272. *Chairman.*] Have you anything to add to the evidence which you have given at present on the subject of arrangements between railways and canals?—Nothing further than to say, that the same system of arrangement that exists between railways exists very extensively between railways and canals, which are not amalgamated by Act of Parliament; there is no more difficulty with the one than the other.

1273. Wherever it is the interest of two companies to combine, instead of competing, the ultimate result, after more or less contest, will be combination, instead of competition?—It is undoubtedly so with regard to canals. There is no railway with whom we have made closer and more strict alliance than with the canals belonging to the trustees of the Duke of Bridgewater, where we have had traffic arrangements, and division of joint proceeds of the water and rail in certain proportions.

1274. What is the effect on your charges of the existing or non-existing rival lines within the district?—I may say the invariable result, where the question has been settled, where the game has been played out, to use the popular expression, has been to cause an increased rate to be charged to the public, where there are two or three lines to convey the traffic over a district instead of one. For instance, I would illustrate it thus. There is no part of our system where the rates are so reasonable, and the accommodation so ample, as between Manchester and London; there we have no competition. They are very much lower than they are in the districts of the Great Northern, where we have competition, or rather where we have combination resulting from competition. The traffic is large, but the public have been under a great misapprehension as to the value of it. The Manchester and London traffic is very much smaller than nine gentlemen out of ten would suppose. The receipts of the London and North Western altogether average nearly 50,000*l.* a week all the year round; but the total value of the London and Manchester traffic both ways, of every description, is 3,000*l.* or 4,000*l.* of that only; yet we are enabled to give greater facilities, and at lower prices, because we have the whole under our own management. If it were divided the prices would be higher and the accommodation would be less.

Charles Alexander Saunders, Esq., called in; and Examined.

1275. *Chairman.*] ARE you Secretary and General Superintendent of the Great Western Railway?—I am.

1276. Have you been conversant with the affairs of that company from its incorporation?—Yes, I have.

1277. Have you been examined before former Committees on this subject of railways?—Yes, I have been examined before two or three Committees

1278. Has the subject of continuous and competing lines been considered by you within the last few years?—Since 1844 it has been the subject of very constant attention by my company.

1279. Have you any general observations to make on the projects for amalgamation which are now before Parliament?—We have a very decided objection

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to the large principle of amalgamation sought to be established by the London and North Western Railway Company.

1280. Do you consider that the extent to which amalgamation is now proposed to be carried is new?—Yes, we have not known amalgamation carried out to so large an extent as is now proposed.

1281. Will you explain in what respect you consider that the character of these projects differs from the former amalgamations which have been sanctioned by Parliament?—The amalgamations sanctioned by Parliament have been, for the most part, of continuous lines of companies possessing smaller capitals, who have attached themselves to the larger arterial trunks; and, generally speaking, to that class of amalgamations there neither ought to be any public objection, nor can there be any objection on the part of the railway companies themselves; but when an amalgamation of the magnitude and description of the Midland Railway Company, occupying from the north-east down to the south-west of the country, intersecting two or three different systems of lines, is suggested with the London and North Western Railway Company, who seline extends in an opposite direction, I apprehend very serious evil for the public interest, and that it will be a dangerous precedent, as well as seriously prejudicial to other systems passing into or through the same district.

1282. That is, from the magnitude of the newly incorporated company, and the consequent power which, from their size and capital, they would possess?—They would have the means of forcing the traffic of all those districts from the other systems of railway on to their own, by which they can inflict great mischief on other companies having rival interests, as well as place the public entirely under the control of a large company with an immense capital.

1283. Is there an understanding or working arrangement now between the North Western and the Midland?—I believe there is; I do not know the character of it, but there is reason to suppose that they have been working together by private arrangement for some time.

1284. Has the present arrangement produced the consequences which you anticipate from amalgamation sanctioned by Parliament?—Yes, to a very great extent, and great injuries have been already felt from the operation of that principle of arrangement.

1285. Will you point out some of the cases in which traffic is diverted from the channel that would best serve the public convenience, in order to contribute more largely to the revenues of these combined companies?—There are many cases within my knowledge in which the traffic which would naturally flow down upon Gloucester (I speak of that locally) by means of the Midland Railway, and which would at Gloucester take a more direct course over the Great Western line towards the south, and towards London, is diverted out of its ordinary course up to Birmingham, and through Birmingham to London, in a very indirect course. The arrangements of the trains and fares are so regulated as to drive the Worcester traffic up to Birmingham, and thence to London; I mention this merely as one exemplification of the effect of such arrangements.

1286. Do you mean that in the neighbourhood of Gloucester the traffic, which would more naturally go southwards, in order to get on to the Great Western line, is diverted into a northern direction, and goes by Birmingham to London?—Yes. With regard to the Gloucester traffic, there is a traffic at Gloucester destined for London; by means of the arrangement between the London and North Western and the Midland Companies, that traffic is diverted from Gloucester to Birmingham, and conveyed from Birmingham to London at a less charge than the same traffic carried only from Birmingham to London, the rates between Gloucester and London being adjusted in order to carry that traffic circuitously. With regard to Worcester, the Worcester traffic wishing to come to London is by arrangement of fares and rates prevented coming to Gloucester, where it might reach the Great Western system, and is forced up to Birmingham to come to London by the London and North Western Railway.

1287. Does not the consideration to which you have just referred, operate more stringently against you in those northern places which are a little off the broad gauge line, than it would at Gloucester itself, where there is both the broad gauge and the narrow gauge?—No doubt, because there is competition at Gloucester, and there is none at present at Worcester. Competition is prevented at Worcester by the mode of arranging the trains up to Birmingham, whereas at Gloucester it is an active competition, proved also by the rates of charge. From the

the London and North Western time table which I have consulted, the fares for passengers are the same, whether going from Gloucester or Cheltenham, or from Worcester to London; the fare is precisely the same from Gloucester to London, a distance of 165 miles, that it is from Worcester, for 145 miles.

1288. Mr. *M. Milnes.*] What is there to prevent the goods from going towards Worcester and Gloucester, and their getting on your line and coming directly to London?—By the system of rates which they charge a reduction is made, to be enabled to force them circuitously through Birmingham to London.

1289. Do you mean that they take these goods cheaper, taking them round a longer distance than they could be taken by Worcester and Gloucester, and then by you from Gloucester to London?—Not that they can be conveyed at a smaller actual cost, but they are so taken, because they so regulate the rates in comparison with goods which are passing between Gloucester and London, to make them pay a higher rate; I say competition keeps down the rates, and these are instances of the mode in which the traffic is forced into indirect channels.

1290. *Chairman.*] Then what you mean to describe is, that at Gloucester, where the goods can be put in the first instance upon the trucks of the broad gauge or the narrow gauge, they have not the same advantage over you, which they would have, for instance at Tewkesbury, where the goods must be put first of all on the trucks of the narrow gauge?—No doubt that such is the case.

1291. Do they not so arrange the traffic that they carry the goods a longer distance at a lower price, in order to keep them upon the associated lines of those two companies to prevent their going on your line?—Yes; that is the course of their proceedings.

1292. Mr. *Henley.*] Is not that beneficial to the public in keeping down the prices?—The reduction of prices, where it exists, is beneficial to the public.

1293. *Chairman.*] Was it your intention to represent that the present combination between the two companies, under this working arrangement, is working beneficially to the public?—I say in some respects such arrangements are beneficial to the public, wherever, for instance, the public can have by means of two independent systems the choice of their route, as well as the opportunity of getting their goods conveyed at the cheaper rate.

1294. Then is it your opinion that this good understanding between the North Western and the Midland, operates beneficially for the public in promoting competition?—At Gloucester, where the competition exists, and is created by that arrangement, it may be so, but not at other places on the Midland line where no competition exists; for instance, a passenger from Worcester to London is made to pay as much fare for going 145 miles circuitously without competition as a passenger from Gloucester to London pays for 165 miles. I say that such is proof that combination keeps up the price where there is no competition, which is lowered where there is competition; competition is therefore the best for the public, and I believe will prove eventually also the best for the railway companies.

1295. Have you heard the principal part of the evidence given before this Committee by Mr. Laing, Mr. Swift, Mr. Stephenson, and Captain Huish?—Yes.

1296. Do you consider that the principle of district monopoly is capable of being worked out or maintained?—I believe it to be perfectly incapable of being practically worked out; and if attempted in one Session, it would be abrogated in another. It is beyond all hope that rights of monopoly can be purchased or sold in these times either in favour of railways or any other interest. It is quite impossible to secure a monopoly, and the very anticipation of such a plan becomes a delusion.

1297. Then you have no idea that, at a future time, when that time arrives of which the witnesses have spoken, when they have said that "the game would be played out," there would be a virtual combination between the broad gauge interest and the narrow gauge interest?—No. Arrangements may be made, and probably will be so made, whenever they come into active rivalry; I do not understand competition to imply the fixing of ruinous rates to destroy the value of the traffic obtained. If I did, I certainly should not be an advocate for competition; but the tendency of competition seems to me to moderate rates, but to equalize them, leaving to each of the two systems the free exercise of all those efforts which constitute rivalry: viz. additional facilities, larger accommodation, greater attention to business, and every effort made to extend and enlarge

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the traffic of the districts. If one company alone has a monopoly, and there be a sufficient traffic of a very remunerative character, that company will probably be satisfied with taking all that remunerative traffic without seeking to extend the means of carrying a less remunerative traffic. Where in any district there is reason to believe that a sufficiency of traffic of various kinds exists to remunerate two different systems, each system will strive to be maintaining and enlarging the accommodation; and I believe, if that course were prohibited in this country, it would entail fatal injury on the public interests. The broad gauge completed, as it is already, to Birmingham, and extending beyond it to Wolverhampton, will enable us to be competitors for a traffic of far less comparative value in itself than that which the London and North Western now possesses to maintain their dividend, and I imagine they would not object to us going on if we could never take any other but the less remunerative traffic, such as iron ore for instance; but if the broad gauge railway is carried on to the Mersey, we shall be enabled, through a different district of country, not only to carry a great deal of traffic which they are not much concerned to carry now, but also to relieve them from some of their more lucrative traffic, which we shall be enabled to improve and increase by greater speed, number of trains, accommodation, assistance in credit to trade, and so forth; and eventually we may both have abundant sources of remuneration for our proprietors.

1298. In your opinion, what is the probable effect upon the property of the shareholders, which would be produced by such amalgamations as have been spoken of?—By the amalgamation spoken of between the London and North Western and the Midlands?

1299. By generally encouraging the system of amalgamation, and regulating monopoly, as it is called?—For a time the price of shares might possibly rise, but eventually the public will find some means of breaking up that system, if it were once admitted, and it would only be giving a great stimulus or encouragement to making a third line where two lines would be enough, to allow any one company to monopolise the country in the manner the London and North Western Company are seeking to do. It is, as nearly as possible, a repetition of what took place in the year 1844. Mr. Swift and Captain Huish, both representing the Grand Junction Company, then reported their conviction, that Parliament should break down any attempt at monopoly whenever made. There was a very remarkable publication, signed by Captain Huish, on behalf of the Grand Junction Railway directors, which I believe to be a perfectly true and straightforward declaration of the principle which ought to regulate railway legislation. It was an address from the Grand Junction Company, then made to Parliament in favour of certain lines which they were then advocating in connexion with the Great Western Company. It has reference to the gauge, as well as to competition, and is to the following effect: "Grand Junction Railway. The Directors beg to draw "your attention to the decision which, after a long investigation, a Committee of "the House of Commons has pronounced in the case of the lines for connecting "Oxford with Rugby on the one hand, and with Worcester and Wolverhampton "on the other. The decision, as you are probably aware, has been in favour of "the lines promoted by the Great Western Company, for which the Grand Junc-"tion have petitioned. The Directors have been informed, through the medium "of a circular from the London and Birmingham Company, that an active canvass "has commenced for the purpose of setting aside the decision; they consider it "their duty therefore to urge you to meet this attempt by inducing such Mem-"bers of Parliament as you may know, to attend on the 17th instant on "the bringing up of the Report. The question at issue has been represented "as one entirely of broad and narrow gauge; upon this point the Directors may "observe, that they do not anticipate any inconvenience whatever to arise from "the introduction of the broad gauge lines, or the mixture of gauges on the same "line. On the contrary, looking at the express trains running at high speeds "which are now being introduced on the leading roads, they deem it probable that "many companies possessing trunk lines on the narrow gauge principle may find it "their interest to adopt both; and the Directors have ascertained the perfect prac-"ticability of adding the broad gauge on the Grand Junction, at a very reason-"able cost. They consider, therefore, that any exclusive system south of Bir-"mingham, which would deprive them of the power hereafter of adopting the "broad gauge, in addition to the narrow, would be a great evil to the public; but "the question appears to them one of a much more comprehensive character,

"namely,

" namely, whether the entire district between London, Bristol, and Birmingham shall be handed over to the absolute monopoly of the London and Birmingham Company, who already, by purchase, lease, amalgamation, and arrangements with various railways and canals, are seeking to obtain, in addition to their line from London to Birmingham, the entire control from Birmingham to Manchester, and Birmingham to Holyhead. Such extensive powers would be in the highest degree dangerous to the public, and inconsistent with the fair interests of the Grand Junction Company. It is on this ground, therefore, apart from the question of gauge, and convinced that from fair and open competition throughout, between London, Liverpool, and Manchester, the proprietors of the Grand Junction have nothing to apprehend; and feeling satisfied that no legislative enactments proposed by the London and Birmingham to be introduced into their Bill will enable the Grand Junction so successfully to compete with that company's extended schemes, as the formation of another line, independent of the London and Birmingham Company, that the Grand Junction Directors, after exhausting every means in their power to avoid the present position of affairs, have resolved to solicit your aid with Members of Parliament in support to the Oxford and Rugby, and the Oxford, Worcester, and Wolverhampton projects." (signed) "*Mark Huish.*" The date is 11th June 1845.

1300. Would not the effect of that have been, to make two lines competing with one another up to Birmingham, at that point fall into the Grand Junction, and then the Grand Junction would get the benefit of both to Liverpool?—The London and Birmingham Company, at that time, were promoting the Trent and Mersey, the Churnet Valley, and some other competing lines, I cannot define them, to gain access into Lancashire, independently of the Grand Junction Company. The Grand Junction Company, in connexion with the Great Western, required a second independent system. In point of fact, the Birmingham and Oxford Railway was an undertaking urged and proposed by the Grand Junction Company themselves. They now treat the Great Western as being aggressive, but I can assure you that the Great Western were very much opposed to promoting that line, and it was only at the instigation of the Grand Junction Company, and on their showing the absolute necessity of such a line, that my directors acceded to it. They have now got the line up to Wolverhampton, and the effect of the amalgamations sought by the London and North Western Company, during the present Session, is to place us in a *cul de sac*, at Wolverhampton. Although there are Shrewsbury lines, independently of the London and North Western Company, which can take traffic from Great Western lines through Shrewsbury to Chester and Birkenhead, they are now seeking amalgamation with both those Shrewsbury lines, and with the Birkenhead line, as well as with the Midland Railway, and a variety of other lines, extending down into South Wales. If Parliament were to grant those amalgamations, every piece of traffic that could be conducted to Wolverhampton, and every passenger by the Great Western scheme, must be left there to get on, as they best can, to any parts of England to which they want to go. We deprecate that result, as injurious to the public and to the other companies forming a Great Western alliance.

1301. What is your opinion of the plan which has been suggested for a revision of the traffic periodically?—It is perfectly chimerical. If you are empowered to revise the traffic at the time when a certain adequate dividend may be received, the value of the stock, according to that dividend, must exceed the par price. If the company is paying 6 per cent. dividend, for instance, the 100 *l.* share will probably be worth 140 *l.* Of course it will be for the interest of that company whose rates are to be revised, to expend more hundreds of pounds of capital in order to get 140 *l.* for each 100 *l.* expended, rather than to allow a revision of the tolls to take place in a manner calculated to reduce rather than increase the money value of their investment.

1302. But then it is assumed, by those who recommend this scheme, that the capital account of the amalgamated company has been closed, and that they are not permitted to divide on any sum in excess of that closed capital account without the direction of Parliament?—It is manifest in that view of the question that you must limit and fetter companies in giving increased accommodation, which, whether you call it closing capital account or not, must be given to increase traffic, for if the trade of the country is to extend, it must be provided for

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for by expenditure in additional trucks and waggons and engines, or in sidings and additional lines for the accommodation of the traffic, and a large and increasing expenditure of capital must be anticipated, so that, in point of fact, "closing the capital account" is but a name, and not a reality.

1303. For that it was suggested, that where a company desired to increase its capital account, for purposes of that legitimate character, a provisional order should be given by the executive department, and that that provisional order should be included in the schedule to a Bill to be annually passed through Parliament, in the same way as the Enclosure Commissioners now pass Enclosure Bills?—I should like to know how it can be possible for any department, or any Committee in Parliament to judge as to the necessity of an expenditure of that description. The demand for branch railways would be one main source of expenditure; another must be for additional sidings and accommodation, which it is perfectly well known must be increased largely in the course of the next 10 or 15 years, if trade is to progress as it now does. It will be impossible for anybody to say you must, or you must not, spend so much money, if the freedom of action for companies is to be maintained, to carry on their own business.

1304. It has been proposed that there should be an official audit; what is your opinion on that subject?—I think an official audit will not give much security. I have no great objection to it, except that the principle of all interference with concerns of that description is usually mischievous. I believe that official audit would not affect the question. The audit will only ascertain whether money has been honestly spent. You cannot take away from directors a right of discretion as to how they shall expend the funds, in the proper management of their undertaking.

1305. If the machinery which has been suggested were put in motion, if there were an official audit, if there was a periodical revision of the tariff when the receipts rose beyond the pivot dividend, and if the capital account were closed, not to be reopened except with the special sanction of Parliament, in the manner proposed, do you think that the directors would then incur large expenses in the way either of salaries, or in any other way, for the mere purpose of keeping the dividend down below the contemplated point?—I think they would feel justified in increasing the establishment, and at all events it would remove from them all incentive and inducement to economical administration of the system. There unquestionably must be on their minds indifference, to say the least, as to the economical management of the concern. It might produce a lavish or wasteful expenditure, and that would be prejudicial in any commercial project.

1306. Mr. *W. Patten.*] Do you believe an auditor could not check that?—No, it is impossible. An auditor could not pretend to say whether 20 or 15 policemen are necessary; nor could he insist that the wages ought to be 18*s.* per week if the directors think 19*s.* or 20*s.* per week right. If any official manager or auditor were to take on himself to lower the wages, or to reduce the establishment of a railway company, all the responsibility of accidents must rest upon the government so ordering it.

1307. *Chairman.*] Suppose it appeared on the accounts annually published, and laid before Parliament, that in proportion as the receipts of the railway approached the pivot dividend, in that same proportion did a disposition to profuse expenditure increase; do not you think that that would constitute evidence upon which Parliament might think proper to take further proceedings?—I do not think Parliament would be competent to judge of those things, for it can only judge by evidence given by contesting parties before their Committees, and they cannot discern the minuteness of such matters in any other manner. I have no hesitation in saying, that before any Committee there would be abundant evidence easily obtained to show that high salaries are the proper thing, that a profuse establishment is the most safe for the public, and that money may be expended advantageously and freely in preference to the tolls being reduced.

1308. Then, in your opinion, that machinery will be found quite inoperative as a protection to the travelling public?—Perfectly so.

1309. That the companies could discourage the traffic which was less remunerative and more troublesome; that they could increase salaries, that they could enlarge their establishment, that they could spend money on the various accommodations

modations that they offer to the public, and that in that way they would constantly waste their resources when they were approaching the pivot dividend?—They could constantly avoid any reduction of tolls to their detriment. You have omitted one source of expenditure, which is that of making additional branches, in themselves not remunerative, but which would, nevertheless, require an advance of capital beneficial to the proprietors themselves, because it assumes that their shares, when issued, will be above par, and give a profit to those who take them.

1310. Those additional branches, however, would require the sanction of Parliament in each case, would they not?—They would require the sanction of Parliament, which is always readily given if there is no opposing company to urge that it should be refused. I doubt very much whether Parliament would reject branches into districts of country requiring railway accommodation, because they are not remunerative, merely in order to get a revision on the scale of tolls.

1311. With regard to the mode of interference which you have heard suggested by the preceding witnesses, either at the points of junction with rival lines of railway, or in the conduct of the trains over the principal line of railway itself, are you of opinion that that mode of interference through the instrumentality of arbitrations, would be found practically operative?—No; I do not think it would be practically operative. There are cases in which arbitrations may effect great good; but in questions of deadly hostility between companies, I have no faith whatever in arbitration producing the result, which would flow more naturally from independence and competition.

1312. Are you of opinion that if a railway had acquired practically the monopoly of a particular district, and if the public residing in that district complained that the proper accommodation was not given to them, that it would be possible to refer that complaint to an arbitration, and to impose on the company by penalty the duty of carrying into effect the award which an arbitrator so appointed might make?—No; in my belief there would be so many means of evading it, that I could not rely on it as an efficacious defence against monopoly.

1313. Then do you believe that the true protection of the public in railways, as in ordinary matters of trade, is competition, and not Parliamentary control and restraint?—I do. I have no doubt whatever that competition and independence of systems constitute the best safeguard to the public in railways as in every thing else.

1314. Are you acquainted with instances in which that is now the case, and which you are prepared to mention?—There are many instances with respect to rates at the present moment which I can adduce. I understood on Friday Captain Huish to have represented that they charge their maximum rates where there is competition, but lower rates than the maximum where there is no competition; that statement induced me to look into the matter to ascertain what is the case, and I have also attended to Captain Huish's evidence before this Committee this morning. Captain Huish's evidence this morning illustrates his assertion by quoting districts of the country where combination has been existing, and not competition. He instances the rates between Manchester and Liverpool, where there is an agreement to divide the traffic among the companies; that is combination of a most decided character. But where two companies are separately seeking the traffic, each for the benefit of their own individual proprietors, I find almost uniformly the rates are lower in those places than they are where combination exists; I infer from that that the public must have an interest in free competition. I do not mean by competition (I beg to repeat it) that the rates should of necessity be unremunerative, and that each should be cutting the throat of the other. I consider equal rates very fair, if they are moderate, and a very judicious mode of starting competition, afterwards improving and extending the public advantages by giving greater facility and increased accommodation. On the Shrewsbury lines, the London and North Western Company have been carrying passengers, I believe, for 1 *s.* 6 *d.* from Shrewsbury to Birmingham, in order to prevent those passengers going over the Shrewsbury and Birmingham line through Wolverhampton.

1315. You do not cite that as an instance of healthy competition?—Not of healthy, but of unhealthy competition; the more natural and just competition I instance is between Oxford and London; the London and North Western and the

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the Great Western Company are charging the same rates; they convey as much traffic as they can obtain; there is no combination or agreement that they are not to put on so many trains, or and that they are not to carry what they can get; but the rates between Oxford and London over their line are considerably less in proportion as between Oxford and London for the whole distance, than their rates are between Bletchley and London, where there is no competition. The Great Western have always been favourable to the system of charging equal rates with another company, where they are moderate, leaving to each company the free use of their system, to procure as much traffic as they can, and to turn it to the best account for their proprietors; but my directors have refused combination, and intend to pursue that system.

1316. Do you mean, by refusing combination, that you have refused that kind of agreement which parcels out the traffic of a district, and divides it between the companies at so much per cent. each?—Yes; we had it in contemplation about three years ago, at the instance of the London and North Western Company, to make such an arrangement between Birmingham and London; that negotiation failed, and the directors have since made up their minds that they would not be parties to a combination of that character, by which the traffic is not to be competed for, but is to be divided.

1317. But you do approve of that more limited kind of agreement which consists in specifying what the rates shall be, and then competing for the quantity of traffic, according as either of you can give greater facility or accommodation?—Certainly, we approve of it; that system is consistent with a healthy action, and the perfectly free and independent choice to the public, of sending their traffic by one line or by the other; that arrangement is always open to an alteration of the terms and rates, if you find the circumstances of the traffic require it; the one company giving notice to the other that they intend to vary or reduce their rates, in order that they may do the same, or endeavour to agree what is proper to be done.

1318. What do you consider to have been the policy of the London and North Western Company with regard to competition?—The London and North Western Company, since the two companies were united, have been always anxious to obtain a monopoly of district, and to prevent the possibility of the Great Western lines approaching in any way towards them; but the London and Birmingham Company, while a separate company, made constant and repeated attempts at competition against the Great Western, first by the Tring, Oxford, and Cheltenham Railway in the year 1837, subsequently renewed in 1844 and 1847, also by proposing a line across from Rugby *viâ* Oxford and Didcot to Basingstoke, with the London and South Western Railway. These were the real sources from which the present hostility and rivalry between the companies have arisen; they were seeking to divert the traffic of Oxford and Cheltenham, which are not towns requiring two railways, into their system, one line being adequate for all the traffic which either of those towns could provide. The Great Western at that time, in conjunction with the Grand Junction Company, promoted their line to Birmingham and Wolverhampton; and the Oxford, Worcester, and Wolverhampton in the same way obtained their Bill; so that I maintain the London and North Western have been essentially competing against all their neighbours, and yet are determined to carry out monopoly in their own district, if they can, but I do not think they have succeeded, or can succeed, in that project.

1319. Then is it your opinion that ultimately perfect freedom of competition; your system, for instance, and the narrow gauge system, will remain?—I think so, particularly if Parliament should choose to adopt means for insisting on that independence; that it can be so and that it will be so I feel very confident.

1320. Point out what means you would recommend Parliament to adopt for the purpose of maintaining perfect freedom of competition between you?—I should certainly declare that system of combination to be illegal, and prohibit the companies dividing the traffic in a manner to give the shareholders of one company who do not carry the traffic a bonus for not carrying it. I believe it to be illegal under the comon law at present. The prevention of large amalgamations monopolising districts is equally desirable, and I believe, on the other hand, the union of continuous lines to be another means by which you may preserve the independence of one district from another. If the Great Northern on one side of England, the London and North Western in the centre, and the Great

Great Western on the west side, with the Midland line crossing and intersecting all three systems, are kept independent of each other, and each is prohibited from dividing or selling the exclusion of traffic to one another, you will compel those four companies to work heartily for the benefit of their respective proprietors, enlarging their accommodation, increasing the traffic, and paying a very fair dividend on their several investments.

1321. Mr. *Patten.*] Have you any recollection what the fares, on your railway, were from Oxford to London, before the opening of the Bletchley line?—Our fares from Oxford to London were 15*s.*, 10*s.*, and 5*s.*

1322. What are they now?—They are 11*s.* 2*d.*, 8*s.* 4*d.*, and 4*s.* 6*d.*

1323. What are the fares from Oxford to London by the Bletchley line?—The same as our own.

1324. Can you state what is the maximum that you are allowed to charge by your present Act of Parliament from Oxford to London?—I can give it.

1325. Mr. *Henley.*] Are you up to the maximum?—Not between Oxford and London; our maximum fares have been cut down to a very low figure. We were obliged to reduce them in consequence of purchasing the Birmingham and Oxford Railway.

1326. Mr. *Patten.*] You stated that the fares from Oxford to London, on the Bletchley line, were not so high in proportion, as from Bletchley to London?—No. I could give those fares; I took them out this morning. The fare from Bletchley to London, 46 miles, is 10*s.* 3*d.*, by express train; 9*s.* 6*d.*, first class; 7*s.* 3*d.*, second class; and 3*s.* 10½*d.*, third class; while to Oxford (78 miles), or 32 miles further, the express is 14*s.* 6*d.*; first class, 11*s.*, which is only a difference of 1*s.* 6*d.*; second class, 8*s.* 4*d.*, a difference of 1*s.* 1*d.*; and third class, 4*s.* 6*d.*, making a difference of 7½ *d.*

1327. Can you make the same statement with regard to the Great Western?—I have not got it here, but I can give you between any places that you like.

1328. Would it bear the same proportion at all?—No; I think our proportions are more regular than their scale of fares. In the first place, our line is shorter than theirs to Oxford, which would make a considerable difference.

1329. In that part of the country where you have come in competition with the London and North Western, have you made any arrangement with regard to fares?—At Banbury and at Oxford, we made arrangements, about two years ago, that the fares and rates of charges for goods should be the same on both lines.

1330. But subject to each of you being allowed to obtain as much of the traffic as you could?—Yes.

1331. But no arrangement with regard to trains?—No arrangement with regard to trains, or speed, or other conditions of any sort, but, while keeping within the maximum rates fixed by Parliament, each decided to charge the same rates; those rates being, in point of fact, moderate, and lower, in some instances, than we ourselves charged at that time over the Great Western lines generally.

1332. Going further north, have you ever entered into any arrangement with the London and North Western with regard to fares?—No, we have never entered into any agreement at all. The directors of the Great Western Company are very much opposed to entering into any agreement with them. We have even found, with respect to these Oxford and Banbury fares, that there are cases in which they have been charging lower than our rates. At different times we have known instances which set at nought almost this understanding between the two companies; and the directors have resolved that they will come to no positive agreement. They gave notice, without previous concert or agreement, that it was their intention, on opening to Birmingham, to charge the same fares and the same rates which they understood the London and North Western Company were charging, and they have hitherto acted upon that plan.

1333. Have you then entered into an arrangement with regard to rates; has there been a negotiation with regard to rates?—There was a communication between the officers about two months ago with regard to the rates of goods, but that assumed too much the aspect of a combination; to which, as a negotiation, the directors of the Great Western refused their sanction.

1334. Supposing that you were to push the broad gauge down to the north of Birmingham, you would not object, I apprehend, according to the statement you have made, to enter into an arrangement with the London and North Western, on the same principle you have done as to the southern part of their line?—There is no objection to arranging equal rates if we can see that we are sure to be

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be dealt fairly by. We have heard of so many special cases in which rates have been made lower than the published rates, that we became afraid of tying our own hands by such arrangements, and being damaged by them.

1335. Taking the line down to Birkenhead; suppose you establish the broad gauge down to Birkenhead, and a proposition were made to you by the London and North Western that you should go on the same system you have adopted between Oxford and London, would you object to that?—Not if it could be fairly carried out; not for dividing the traffic between the two companies, but for agreeing on a scale of moderate fares and rates as equal rates for both lines, each of the two companies getting as much traffic as they can by those means, and improving the condition of their own shareholders by the quantity of traffic they are conveying over their respective railways.

1336. Then, as far as rates go, you would see no objection to a system of amalgamation if it could be carried on subject to competition, by means of accommodation to the public?—If I were asked whether we would agree to become amalgamated in an universal monopoly, I am not disposed to decline it, as perhaps a good thing for the shareholders for a time, but I doubt whether it would be a wise measure for the public interests.

1337. Would you go farther, and say that you think it would be a good thing if Parliament were to interpose, so as not to allow any agreement as to rates between railway companies?—I think agreements as to rates between railway companies are absolutely essential; there are many lines on which the traffic has to be carried on continuously in the hands of various companies, and unless they can agree upon the through rates there will be a constant dispute what is the whole sum to be charged to the public for the service; one company will want to get more than its due proportion; you would impede traffic by the want of such an arrangement between them. Therefore I am by no means recommending that you should prevent all arrangements for dividing through rates. If Parliament wishes to prevent monopoly, it should prevent the division among the shareholders of different companies, not in the proportion in which they actually carry the trade, but in a proportion where they may refrain from carrying the trade, and still receive the proceeds of it.

1338. Would not almost the same thing be accomplished, and would it not, at any rate, be a half monopoly, if you were to allow a general arrangement of rates?—A half monopoly would be better than a whole one; but I do not think even a half monopoly, speaking of it as a public question, is a good thing.

1339. Do you approve of the one, and disapprove of the other?—I do not approve of monopoly in any way.

1340. Do you approve of general arrangements with regard to rates?—I approve of arrangements by which companies may carry on traffic in connexion with each other, and apportion the rates among them as applicable to continuous lines. It is essential for the purposes of the public, and cannot be dispensed with.

1341. *Chairman.*] Is not the system of carrying the money actually earned on the line of one company to increase the dividend of another company illegal now?—I believe it to be illegal; any shareholder who would take on himself the expense and the odium of raising the question in the Court of Chancery would find that it is in his power to prevent it. I understand, for instance, that the Great Northern Company are every week paying over to the London and North Western Company, under Mr. Gladstone's award, some proportion of the earnings of the traffic which they have carried over the Great Northern line. No doubt, the London and North Western are satisfied with an agreement by which they get something for doing nothing; and I should be so too, as representing the Great Western, if I found I could arrive at that result; but I do not think that it is a healthy position for the public, or calculated to enlarge and extend the business done.

1342. Then the principle of law is as you wish it to be now?—As I think would be best for the public, and also for the railway companies eventually.

1343. Then the principle of the law is now as you think it ought to be; and yet do not the present companies contrive, by arrangement among themselves, to do all these things which, in your opinion, are so objectionable?—The principle of law in that respect forbids the practice which has grown up; and I think it would be wise to adhere to it. But when very large companies, with an immense capital, such as the London and North Western, the Great Western, or the Great Northern,

Northern, come to an arrangement, by which shareholders may themselves fancy it for their benefit to prevent competition, or to obtain combination, the law is not invoked to restrain the operation of such agreements, although competition is, of all other things, the most healthy for the purposes of the public.

1344. Would it be unreasonable to suppose, that when the game is played out, and the Great Western have carried the broad gauge down to the Mersey, that the North Western might be willing to make them a payment of something for doing nothing, which you have just said was so agreeable to you as trustee for the Great Western?—No doubt they may be willing to give it.

1345. Is it an unfair question to ask, whether, on behalf of the Great Western Company, you would feel it your imperative duty to refuse a contribution of that kind, if the North Western offered it?—No; but I think you must allow me to make one remark upon this question: you asked me if I could suggest any means of preventing a combination; and in answering it strictly, according to your question, I must not be understood as implying that I, as the servant of the Great Western Company, should feel bound to resist, for the benefit of my own Company, or for my governing body, the acceptance of terms or conditions which I believe, nevertheless, not to be the best for the public. I give distinctly the answer, that I think the Great Western Company, if they were to get a large monopoly, may for the present derive some advantage from it; but I do not believe that such monopoly can last long. I am satisfied that the feeling expressed by Mr. Matthews on Friday will spring up, and would deprive the Company of that monopoly, and produce much greater eventual loss than if it were never gained. At the same time, I should feel happy to be instrumental in any way to improve the condition of my own shareholders. While I may foresee a mode in which combination will be prevented, I honestly state it to the Committee in answering questions put to me.

1346. You are right in drawing a distinction between the view which you take of the public interest, and also of the view which you very properly take in your official capacity of the interest of the Great Western Company; but the object of the question was this: you have spoken of a mode of maintaining permanent competition?—Independence and competition.

1347. Then I wish to point out to you that, as the Great Northern and the North Western have thought it their interest, without the sanction of Parliament, to make that arrangement, by which the one company buys off the competition of the other, so there will be a reasonable probability that when the Great Western have got the broad gauge down to the Mersey, it might very possibly be the interest of the narrow gauge to tender similar terms to you, and that you, in your official capacity, would not feel it open to you to refuse those terms?—It is quite possible; but, at the same time, if accepted, it would only be for a temporary purpose. The arrangement, as between the Great Northern and the London and North Western, is experimental, and for a limited term of years; and if the Great Northern are getting the traffic in a greater degree than the London and North Western during the next three years, I doubt if they will consent at the end of those three years still to be paying over, week after week, a sum to the shareholders in the London and North Western for not carrying on a traffic which they convey over the Great Northern; therefore, I consider those arrangements to be much less objectionable than permanent amalgamations, inasmuch as they are limited in duration, and will correct themselves probably at the end of the time agreed upon.

1348. As between the companies they will manifestly correct themselves?—Yes.

1349. Will a company, which under any particular arrangement has been paying more than it ought, take care when that arrangement expires to modify the terms of it, and not to pay more than it ought during the next term of years?—I conclude that will be the case.

1350. But as regards the public, the question remains; the same combination on different terms is made for another period, and competition is absolutely excluded, is it not?—That is the reason why I recommended that combination should not be sanctioned, and monopoly should not be sold for any fancied terms of security to the public now, but that competition and independence should be preserved and continued between the larger companies.

1351. Then the principle of the law now being in your favour, and the practical operation of it entirely against you, are you prepared to suggest to Parliament

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ment any measures by which that system of combination, which is now so largely carried into effect, and which is contrary to the principle of the law, can be effectually defeated?—I think I ought scarcely to be called upon, after the misunderstanding that occurred in one or two answers which I gave to questions from the Committee, to suggest any mode by which the public may extort advantages out of railway companies. Being an officer of a company I suggested one just now, perhaps incautiously, but I would rather not suggest other means of interference with railway interests, although I think I could devise a plan by which combinations might be avoided, and a fair competition obtained.

1352. What we wished to ascertain from you was, what there is in the nature of things which would prevent its being the interest of the Great Western to combine with the North Western at a future period, as it has already proved to be the interest of the Great Northern to combine with the North Western?—Speaking in the interest of the Great Western, I know nothing that may prevent them hereafter making an agreement with the London and North Western, by which they may receive more money than they would otherwise obtain. But I discover no reason why it should be assumed, that the Great Western will enter into this combination after they have got to Birkenhead, in preference to doing so now, inasmuch as the Midland have got their line down from Birmingham, by Gloucester to Bristol, and are warmly competing, in connexion with the London and North Western, against the Great Western Company. As we have not sought, and would not consent, to be parties to buy off that competition, which is now against ourselves, in order to obtain freedom from it, I think we are less likely to buy off competition when the Great Western lines go into a country more fertile and abounding in traffic, and much more likely to remunerate us for the great outlay made, than now. In point of fact, buying it off now, would be buying it off to our benefit, but selling it hereafter must be to the detriment, I believe, of the Great Western Company.

1353. Then, looking to the future, do you think that there is that natural separation between your interest and theirs that combination would not be the probable result?—I do not think that combination will be the result of these two companies, unless Parliament shall make up their minds to sanction one universal amalgamation of all the railway companies; for if an amalgamation of the London and North Western and the Great Western were sought by itself, there would soon follow a competition of other lines coming into the same districts as against the North Western and the Great Western unitedly. I believe it would be more injurious to the property of the London and North Western Company and the Great Western combined, to have a third interest, than the separate independent use of the two lines belonging to the London and North Western and the Great Western separately, when these lines are completed and opened continuously for public use. We are not seeking any competition by projecting new lines against the London and North Western Company at this moment, nor have we since the year 1846, when the last line was sanctioned by Parliament; the only contest on our part, that can be said now to be going on, is between the Shrewsbury Companies, whose lines have been made from Chester to Wolverhampton, seeking to unite with the Great Western at Wolverhampton, and to obtain an amalgamation of those three lines continuously, which will develop the traffic, and enable us to receive and convey the traffic of that district over the Great Western lines.

1354. Then do you agree with Mr. Matthews in the evidence which he gave on Friday, that the completed system of the broad gauge, and the completed system of the narrow gauge, would be so much in fear of the intervention and rivalry of a third party, in case they combined, that practically the evil of combination would be averted?—I think so. It was illustrated in a very remarkable way so recently as the year 1850. In the panic, and the pecuniary troubles of 1848 and 1849, after many new lines were sanctioned, and we doubted the possibility of raising the capital for completing them, a plan was proposed for an amalgamation of the London and North Western Company, the Great Western Company, and the London and South Western Company. I entertained doubts at the time whether Parliament would sanction that union. At the same time it was considered for the benefit of the three companies to save a great outlay of capital, which we did not know then how to raise. The negotiation failed. I do not believe either the London and North Western, or the South Western Company, really wished to carry it out. Almost immediately afterwards we found

found the Oxford, Worcester, and Wolverhampton Railway Company, a broad gauge line, sanctioned by Parliament in the year 1845, in connexion with the Great Western, were seeking to make an independent line of their own, in connexion with the South Western Railway Company on the narrow gauge, and the only pretext that could have justified such measure being carried would have been an attempt on our part to amalgamate with the London and North Western Company. That circumstance induced me to consider from that time, and ever since, that it is an unwise and very unsafe plan to hope, by a monopoly, to secure the whole district of a country into the hands of a large amalgamated company. I have also observed the evils of an enormously large corporation, with an immense variety of details and extent of business to be transacted, to which the parties cannot sufficiently attend if the labours are materially increased. I am satisfied that it is not for the advantage of the country, nor for the permanent benefit of the railway companies, to allow of these large amalgamations, such as the London and North Western and the Midland Companies.

1355. You think the superintendence of companies like the London and North Western, the Midland, and your own, is great enough?—Quite enough to manage the business properly.

1356. Now the principle of law being against the application to the dividend of one company of the traffic which has actually been earned over the line of another company, but the enforcement of that principle being left to the application by shareholders to the Court of Chancery, and self-interest preventing the shareholders from making that application to the Court of Chancery, some other means must be devised, if that principle of law is to be made practically operative; have you considered by what other means the public may attain that result?—The ordinary course by which the public maintain their rights against any illegal act on the part of a company would be through the instrumentality of the Attorney-general. It may be necessary, by enactment, to put the Attorney-general into motion in any case in which it may be found that the public interests are suffering from any combination. I should be sorry to have it supposed that I am urging measures of a hostile character as between the Government and the railway companies, because I deprecate them, and I have witnessed great evils arising from them; but I think if the power existed, and it was declared by law that companies should not transfer the receipts upon their own line to the shareholders of another line, practically speaking, you would preserve all that is needful as a security for independent, fair, and proper competition between railway companies. If the companies cannot distribute their funds as they may please for buying off competition, you may depend upon it that the shareholders of the companies will expect from their governing bodies every effort made to improve and enlarge the traffic of each line. I believe there will be abundant means of getting dividends sufficient to remunerate the outlay upon railways, without allowing any of these combinations, which seem to be injurious to the public, and eventually disadvantageous also to the railway companies themselves, although some one or two of them may seem to prosper under monopoly.

1357. In order to put the Attorney-general in motion, it would be necessary that the Government should have sufficient knowledge of the fact, that money earned by one company was employed to make dividends for another; at present there is not necessarily any such knowledge in the possession of the Government; by what means would you propose they should attain it?—That question brings me into the same very disagreeable position of your requiring me, as a railway manager, to suggest to you, presiding over a Government Board, the means by which I think you had better control the conduct of railway companies. But still I have no hesitation in saying, if you press me, that a very simple mode would be, by declaring the necessity of all such agreements being deposited, perhaps confidentially, with a Government Board, in order that they may be cognizant of the character and details of the agreements, to object to them, if they think it necessary they should act against them, as injurious to the public.

1358. Then you observe that companies who really wish to evade the law, would make an agreement either by parole, by conversation between the managers, or by some informal document, or in any other way, just as effectively as these arrangements, which, I suppose, are under the corporate seal, are now made?—I differ from you in that opinion. These are all matters of very general notoriety.

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notoriety. If the two companies wish themselves to conceal it, there is always some third party who kindly interposes to make it known. I believe, myself, that in managing railways all the business is so widely proclaimed, that there is nothing that can be effectually concealed. Again, before the Committees of the House of Commons and the House of Lords, the inquiry that takes place is always one that more or less gives rise to the publicity of such facts. In the Shrewsbury Amalgamation Bill of last year, which was carried through the House of Commons, the two Shrewsbury companies showed the grounds upon which they applied for that Amalgamation Bill, and exposed various circumstances which were, probably, scarcely known before of the conduct of the Birkenhead, and London and North Western Companies, towards themselves. Those means of notoriety will always prevent those private arrangements to which you have referred; at all events, these private arrangements cannot be very seriously prejudicial to the public in themselves, without their becoming well known throughout the districts of country affected by them; and there are means of ascertaining and disclosing the nature of them.

1359. Mr. *Henley.*] Might not the Attorney-general file a bill of discovery? —Yes. If Parliament were to declare that every railway company should produce to a Government department an agreement of a certain description, you must not suppose that the directors of public companies will allow themselves to be justly accused of suppressing an agreement which may come out at a future stage in Parliamentary inquiries, which would recoil on them with much more serious consequences than if they produced it at the moment to the proper officer of the Government.

1360. *Chairman.*] It does not appear that we are imputing anything improper to railway managers, in supposing that the arrangements which they thought most beneficial to their shareholders would from time to time be followed, and that they would abstain from competing in particular directions, if they thought that the expense of that competition would be greater than the profit?—I think you are just imputing as much as this: you imply by the question that you cannot prevent competition, because there will be a suppression of evidence, or a refusal to comply with the means which Parliament may think proper to take for preventing combination. Whatever may be said to the contrary, I believe there are a great many railway directors of such high reputation in the country, and railway managers too, who would never commit themselves to any such practices. I believe that if you repose a trust in the class of men who now preside over railway companies, they will not conceal anything you are entitled to know from them. They will, in point of fact they must, shape their course as they may think best for the interests of their proprietors, but subject always to conditions which Parliament may enact.

1361. Is not all this argument based upon an objection taken by you to a system which is avowed to be universally practised, and which yet you believe to be absolutely illegal, namely, the application to the dividend of one company of money earned upon the line of another company?—I do not believe it to be universally practised; I know it is not, and I believe the instances are rather rare.

1362. The question should have stated generally?—I know there are instances in which it is done; and I believe it to constitute monopoly and combination. As I am of opinion that monopoly and combination are bad for the public, and eventually will be bad for the railway companies too, I deprecate it. I have referred to the mode by which combination is now carried out, and have suggested means by which it may be prevented; but I cannot be responsible for the acts of other companies.

1363. Do you consider that a declaratory Act to the effect that such arrangements were illegal would be sufficient for the public?—I believe so. I am satisfied that those who preside over railway companies would not enter into those arrangements after a declaration by Act of Parliament that it is illegal, and against the public interest to permit them to be made.

1364. Mr. *Henley.*] Is it not a very different thing acting against a plain statutable law, and doing that which, according to your opinion, is right, and which, whether it is right or wrong, may turn out, in the Court of Chancery, to be illegal?—I may be right or wrong in my assumption, for I am not a lawyer. If it is illegal in a company to apply the funds which they receive to other purposes

poses than their proper expenditure and their dividend, I assume that they must not apply their receipts to pay the dividend of another company.

1365. That is a general principle of law?—Yes.

1366. *Chairman.*] Do you think that that Declaratory Act would be objectionable in any point of view?—It would not be objectionable to the Great Western Company, but it might be objectionable to those seeking monopoly and protection.

1367. Mr. *W. Patten.*] Can you cite any instances in which a law of that kind has been passed, interfering with commercial relations between one company and another?—There is a clause in every railway bill, in pursuance of the Standing Orders, which says that a company must not apply its funds for a deposit upon a new Bill. You might equally declare that they must not apply their receipts to pay the shareholders of some other company.

1368. Did you not apply that generally, and not to the funds?—I am speaking now of the common law of the land, which I understand to be this: that a company incorporated for a particular purpose may do certain acts, and receive monies. They may disburse the monies for the legitimate purposes for which they were incorporated, and, after paying their debts, they are required to divide that money rateably among their own shareholders. I believe it is illegal to take out of those funds a sum of money to pay over to the shareholders of another company to induce that other company not to compete for the traffic. That is all I intended to convey of legal objection to the Act.

1369. Mr. *M. Milnes.*] Would it be illegal, according to your notions, for one company to purchase another line, and close it entirely?—It is illegal, without the power of Parliament expressly sanctioning it; no company can buy another line unless Parliament gives their distinct and direct sanction to that purchase. There are many instances in which the Court of Chancery have interfered to prevent that being done. It was with regard to the purchase of the Birmingham, Wolverhampton, and Dudley Railway, by the Great Western Company, that the great fight took place between them and the London and North Western. They obtained shares in the Birmingham and Oxford Company to prevent that agreement for the purchase being carried into effect, and it was necessary to go to Parliament to sanction it, before it could be finally accomplished.

1370. Mr. *Denison.*] Have you not stated that the present arrangement between the London and North Western and the Midland has produced serious mischiefs already in its operation?—I think I did not state that, as a fact.

1371. Did you not say that you had an objection to large amalgamations, such as that proposed between the London and North Western and the Midland?—I did.

1372. You have been asked whether arrangements between those companies did not exist already, and whether they have produced evils?—Yes.

1373. Was not your answer this, that those arrangements had already produced evils?—I said they had produced some evils, and I described them; that they, having a joint interest in diverting the traffic from its natural course, did, by a peculiar mode of fixing rates and charges, prevent that traffic from passing uninterruptedly in the direction in which it would naturally pass, in order to divert it into a direction to which it would not naturally go. That was the evil of which I spoke.

1374. But did you not say that that evil was a reduction of rates to a point lower than they would have been otherwise?—I stated that they did reduce the rates, but I did not speak of that as an evil; I spoke of the fact of their reducing rates at a place like Gloucester, where competition exists. They charge more for carrying other traffic a shorter distance from places where they had not competition, and prevented that traffic thereby from flowing uninterruptedly in its proper course. That was the evil of which I spoke.

1375. Did you not say that, in the case of Gloucester, where the rates were remarkably low, and lower than they would be otherwise, it was useful to the public?—I say the lowering of rates is useful to the public. If I have misled you by any answer of mine, allow me to correct myself. What I say is, that competition is, in my opinion, healthy for the public, and that from Gloucester to London the rates are lower than they are from Worcester through Birmingham to London. And why? Because the effect of the competition is to take away traffic from the Great Western system, over which it would naturally flow from Gloucester, and they keep up therefore their rates at Worcester and Birmingham,

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where no competition existed at the time. If you unite the Midlands and London and North Western, you will do mischief and injury to the public by giving them the monopoly of a much wider district of country, and you will not destroy that competition which I believe to be beneficial.

1376. Are you satisfied generally with the present state of legislation with regard to railways?—I think the present state of legislation is very much better than any I have ever yet heard suggested or been able to contemplate; I think it is better for the public that railways should remain in the state they are now, than that there should be any monopolies attempted such as I have heard recommended in this room.

1377. Have you heard the evidence which has been given here about the enormous outlay and unnecessary expenditure of capital to the extent of many millions?—I have no doubt a great deal of money has been expended unnecessarily, I will not say uselessly, because I believe out of that expenditure there is a rivalry in England by which a much better system of railways altogether has been obtained than in any part of the world that I have either known or heard of; we have greater speed, greater power, greater improvements, better lines, than exist on any part of the Continent, or in America, and I believe it is attributable in a great degree to the spirit of rivalry.

1378. Mr. Stephenson gave an opinion in his evidence, that if the contests, which he called "ruinous contests," should be allowed to continue uninterruptedly, the funds of the companies would be so decreased, that the London and North Western would be reduced from a dividend of 5 per cent. to 3 per cent. in a few years; do you feel no apprehension of bad consequences from a continuation of the contests between the companies?—I have no fear on behalf of the Great Western Railway Company from any controversy or contest in which we are engaged, that our dividend will be reduced; I believe it is more likely to be increased. If we were to promote railways all over the country, whether near to us or remote from us, simply for the purpose of driving some other company into an arrangement for protection, we very likely should be wasting and squandering our funds, and reduced our dividend from 4 per cent. down to 2 per cent. We do not intend to do anything of the sort; the Great Western having expended a large sum of money, to which they were mainly invited by the conduct and projects of the Grand Junction itself in the years 1844 and 1845, are seeking now to make that expenditure as productive as they can. The London and North Western are proposing amalgamations and agreements all over the country; not satisfied with those relating to the Midlands and North Staffordshire companies, they are proposing amalgamations with the two Shrewsbury companies, having themselves a line both to Shrewsbury and Chester. They are acquiring lines from Hereford to Newport, Abergavenny, and various parts of South Wales all down to Swansea; and I do not differ from Mr. Stephenson, that, if they proceed in that course of action, and succeed in their projects, they will very quickly indeed reduce their dividend from 5 per cent. to 3, and I regard the Great Western as comparatively the better property of the two. That is the only answer I can give to Mr. Stephenson's sentiments on the subject of value.

1379. Mr. Stephenson pointed particularly to the contests going on between the North Western and the Great Western?—I am speaking of those contests; the contests that the London and North Western are carrying on against the Great Western have been for a long time on a very large scale. Those contests are being pressed on now through districts of country, where, as far as I know, there is not the slightest hope of their making any profit out of them. These are the means by which they seek to drive us to relinquish any hope of carrying an independent system beyond Wolverhampton, by Shrewsbury, to Birkenhead. They will fail in that object, I predict, because, whether they get their lines through Parliament or not, the Great Western will not forego that which they believe to be essential to them, and to the public, which is the result of agreements already entered into; namely, an alliance to carry on a traffic which passes from any part of the Great Western, and up to Birmingham and Wolverhampton, over the Shrewsbury lines, to the Mersey.

1380. Then, although you think that the contests and the expense will be very serious to the London and North Western, you are of opinion that the Great Western will carry on the contest, and incur no expense which will not be remunerative to them in the result?—We are not engaged in any expensive contest with

with the London and North Western of any sort or kind, excepting that application to Parliament to have a permanent alliance between the two Shrewsbury companies and the Great Western. The London and North Western are making arrangements, or have made arrangements, as I explained, by which narrow gauge lines are to be carried down to Newport, Abergavenny, and Swansea, from places with which the London and North Western have not any direct alliance, because they have no rails of their own, even within miles of that district of country. They have no line from Birmingham to Worcester, unless the Midland is amalgamated with them; but, nevertheless, last year they proposed to Parliament to construct a line from Worcester to Hereford. They bought up, or promised to buy up, the Newport, Abergavenny, and Hereford Railway, the Gloucester and Hereford Canal, and the Hereford and Monmouthshire Canals; and now they are promoting lines to Swansea. We are not putting out any lines of railway in opposition to them, excepting a connexion between Worcester and Hereford, with the Oxford, Worcester, and Wolverhampton Company, which is to be made on the broad gauge, in continuation of our Ross and Hereford Railway. With that single exception, I know of no contest that is waging against them, except the Shrewsbury alliance. We did not seek the Shrewsbury alliance. The Shrewsbury alliance was proposed to us by the Shrewsbury Companies, after they had failed to make any arrangements themselves with the London and North Western Company.

1381. Have you heard the state of the Lancashire and Yorkshire districts described to-day by Captain Huish, that several companies have come together, and divided the traffic of the district among them?—I have.

1382. Have you heard it stated that the result of the contests, and of the greater expenditure on new lines in that district, has ultimately caused higher fares to the public?—I have heard it stated; but I do not believe that to be the cause or the effect of the greater expenditure.

1383. Can you give any other explanation than that which has been put before us?—I can give you numberless instances in which the fares and charges in the same district are less for a greater distance, where there is competition, than they are for a shorter distance, where there is no competition. I will take one instance: the rates from London, by the London and North Western, to Kendal, which is 250 miles, are 50 *s.*, 55 *s.*, 60 *s.*, 75 *s.*, and 85 *s.*; the rates to Carlisle, which is 300 miles, or 50 miles further, where there is competition, are 40 *s*, 50 *s.*, 60 *s.*, 70 *s.*, and 80 *s.* I never can admit that the comparatively high rates to Kendal are the consequence of the increased expenditure. The increased expenditure on railways would rather be the reverse; it would probably diminish those rates. The Carlisle rates would be 50 *s.* instead of 40 *s.*, and the Kendal rates would be 40 *s.* instead of 50 *s.* The rates are not regulated by what may have been the amount expended, but they are determined by how you expect to obtain the greatest net proceeds out of the traffic that is to be carried. It is a fallacy to speak of the rates being rendered higher because more money has been expended. You will not get more money merely because you have spent more.

1384. What is the competition that exists at Carlisle?—There is a railway across from Carlisle to Newcastle, on the east coast, by which goods, I understand, are brought. I get this information from other parties; it is not a fact within my own knowledge. I have obtained four or five similar instances, which I can quote; for instance, traffic to Leicester and Peterborough. Leicester is 103 miles, and Peterborough 102 miles from London; the rate to Leicester is 20 *s.*, where there is no competition; the rate to Peterborough is 15 *s.*, where there is competition. That difference of charges cannot arise because more money has been expended on the railways.

1385. If you will consider for a moment, that is not a reply to the question, which was, not as to Peterborough, or Leicester, but as to the Yorkshire and Lancashire districts, where arrangements between companies have been made, which companies, five or six in number, it has been stated to the Committee, were originally competing companies, but have now agreed among themselves, and divide the traffic by agreement among themselves?—I understand that is the case with some of those companies.

1386. It has also been stated that some of these companies charge higher rates to the public, having to spread the money over more capital that has been expended on different lines than they charged before these competing lines came into

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into existence?—But they do not charge more because they have spent more money; they charge more, because they think they can get it, and obtain the larger net proceeds out of it, which fact confirms what I have taken the liberty of observing, that that is a higher charge in consequence of combination. Prevent that combination if you deem it expedient to do so. I was endeavouring to give a direct answer to your question. I understood you to represent that, because there were several lines made, they must therefore necessarily make greater charges. I was proceeding to give you an instance of where the higher charge is made when combination is obtained, and the lower charge made where there is competition. But now, reverting to the Yorkshire and Lancashire districts which you have referred to, I will take Preston and Halifax. Halifax is in Yorkshire, and there, where there is competition, the rates for goods for 220 miles, are 30 *s.*, 35 *s.*, 40 *s.*, 60 *s.*, and 80 *s.*; as compared with Preston rates, where there is no competition, and the charges for 210 miles are for the same classes 35 *s.*, 40 *s.*, 50 *s.*, 60 *s.*, and 70 *s.* This is taken from a statement which I requested to be prepared in consequence of what took place in this Committee-room on Friday last. I do not know these rates of my own knowledge; I give the information as I obtained it.

1387. What has been stated here as a fact was this, that while the Lancashire and Yorkshire Company was a line without competition, it charged a certain rate; since the great contests that have taken place, now that the district is divided out amongst other companies, that rate is increased in those very places where a lower rate was formerly charged?—Naturally so; that confirms what I have said throughout, that the rate will be more when there is combination among the companies.

1388. Was not that so before competition?—I do not know any of the circumstances of the Lancashire and Yorkshire district sufficiently, to say whether there was combination or competition in that country. What I understood you to ask me was, whether before these various companies combined together to get the traffic into their hands, by dividing the value of the traffic, whether they carried it or not, the rates were less than they were after the combinations? My answer is, that I believe it to be the case that the combinations will tend to increase the charges.

1389. If you do not know the particulars of this district, what has been stated by persons who are conversant with the district must be taken as the fact. A gentleman who is conversant with the district, has stated that the result of all the contests and all the increased lines which have been made in that district, has been ultimately to divide the traffic among the contending parties, and upon the whole, to increase the rates. Why will not what has already held good in the Lancashire and Yorkshire district, hold good in the south part of Lancashire and Yorkshire, when you have got your line to Birkenhead?—It will, if we combine; that is why I recommend Parliament not to let us combine.

1390. How is it possible to prevent it?—I think there is no great difficulty in attaining that object. In the first place, we cannot combine permanently without the authority of Parliament, and my experience goes to this, that in contested Bills heard before a Committee of the House of Commons, and subsequently another Committee of the House of Lords, between those two tribunals the truth does somehow or other come out, and justice is done in the end as well to the petitioners as to the public.

1391. But all this which is done, in the Lancashire and Yorkshire district of which we are speaking, is done without amalgamation and without coming to Parliament?—I must not be considered answerable for the consequences of that system. All I say is, that Parliament can prevent combinations if it pleases; if it decides otherwise, it is not for me to cast blame on Parliament for not preventing them. As a matter of opinion, I believe it is for the interest of the public to prevent combinations while permanent amalgamations of continuous lines are important, or as Captain Huish expressed it to-day, are necessary to prevent each company from interposing difficulties in carrying passengers and goods throughout. Now with respect to the amalgamation of the Great Western with the two Shrewsbury companies, if there is no amalgamation allowed, it is evident that passengers who may be going from Windsor, Reading, Oxford, Banbury or Warwick, wishing to reach Shrewsbury, or to get on to Chester, will be prevented from doing so, provided the management of either company shall pass into the hands of the London and North Western. That was one of the objects

objects in proposing to put the broad gauge over them, as it also, I believe, is the ground of apprehension the London and North Western have of the broad gauge—that if we possess a continuous means of carrying passengers on the same gauge up to Birkenhead, we may be able to convey a considerable quantity of traffic they wish to monopolise. The people who are resident in that district, desirous of travelling in that direction, may like occasionally to proceed by the Great Western Railway; whereas there will be, not a prohibition, but a partial prevention of it, to a certain extent, if there are no means secured for carrying that traffic on continuously and uninterruptedly. The great dread which the London and North Western entertain, is, that we can have an effectual and permanent competition carried on with them, which I believe may be done in good feeling and in a proper spirit, so conducted for the benefit of the public, not by receiving ruinous rates, but each getting remunerative returns for their capital. That, I believe, can be carried on when the Shrewsbury companies are amalgamated with the Great Western, becoming continuous lines, not being now in any way competing lines, the broad gauge being allowed to be put on them, in addition to the narrow gauge.

1392. Is it your opinion that the security to the public, for the continuation of competition in that district, will be the fact of the difference of gauge between the parties?—Not exclusively on that ground. Those companies being amalgamated with the Great Western, we shall all have one united interest in promoting and increasing the traffic. The broad gauge will be one element of that continuous communication, because it will prevent the necessity, for example, of turning passengers out of the carriages, in the middle of the night, to wait at Wolverhampton till they can get into another train, and may also prevent the necessity of goods being removed from one truck to another. All those are elements of the success of the plan; but I do not say there are no other instances to be given of public advantage from that amalgamation.

1393. Is there any other difference, except the difference of the gauge of these railways, which should lead the public to expect a different result in the southern part of Lancashire, as between themselves and the North Western, than that which has occurred in the northern and eastern part, and between Lancashire and Yorkshire?—Yes; one very material thing, I believe; viz., that one or two large companies will be contending for the traffic for the benefit of separate sets of shareholders; whereas, in the north, these companies who have combined, more or less, have been companies of a smaller capital, and have been more dependent the one on the other for the purpose of carrying on that traffic *inter se*. I believe, therefore, that the extent of the Great Western Company, if the two Shrewsbury companies were amalgamated with it, as well as the difference of the gauge, will tend to keep up a perpetuity of competition between them. Very large companies cannot be united with the same facility as smaller companies. I firmly believe, that if the London and North Western, improving their line and their position to any extent to which they may improve it, without having any amalgamation with the Midlands or the Shrewsbury companies, but possessing the various schemes in the north, carry on their traffic properly, we shall be able to carry on our traffic beneficially also, and the public will have the benefit of choosing between two independent lines, with continually increasing accommodation and facilities.

1394. Then the security that you propose to the public is the difference between the gauges and the power of the two contending companies: would they be any security in other parts of England?—Why should there not be so? There would be security everywhere, I believe, if competition is maintained in districts where there is enough traffic to pay for two lines of railway.

1395. There is no competition between the broad gauge and the narrow gauge up in the Yorkshire district, and in those parts; so that the evils which are said to exist from this combination which goes on at present, would go on, as far I understand you, everywhere, except where the Great Western and the North Western should come in contact?—They may be prevented everywhere. It is no part of my duty to point out where or how they may be prevented. I think for the good of the public they ought to be prevented, and that they will be so; and if the Great Western traffic is carried on to Birkenhead, there will be a means of establishing freedom, so that the towns of those places will not all be driven to look to one, and only one company for the means of transmitting their traffic.

1396. And you do not see any danger to the public, that a continuation of

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these contests, and a further expenditure of money, should ultimately lead to larger payments from the public?—No, I have no such fear. I do not think the payments from the public for railway conveyance will be at all proportionate to the sum expended. The public are paying much lower rates now for the carriage of passengers and goods everywhere, after companies have spent a larger sum of money than they did before. The general tendency has been to lower and reduce the rates, not to raise them. I cannot answer for any one particular town or locality. I consider that the great expenditure of companies is pretty nearly brought to a close in Parliamentary contests. It would be most agreeable to see them all terminated with this Session, if it be possible; but I cannot, nevertheless, be induced from any fears upon that point, to represent here what I do not believe to be the case. I do not believe it to be to the interest of the public, or the companies, to attempt monopoly; and it is too late in these days, even it be seemed desirable to advocate monopoly or protection from a free competition,

1397. You spoke of a proposal that was made on the 11th of June 1845, by the Grand Junction Company?—Yes.

1398. Was not that before the report of the Board of Trade on the gauges?—Yes, it was before the Board of Trade made a report on the gauges; in fact, just at the time that the Gauge Commission was first proposed.

1399. Was not the Board of Trade's report on the gauges in the year 1845?—No; the Board of Trade's report on the gauges was made in the year 1846. I know the circumstances of the case to be these: when the Oxford and Rugby, and the Oxford, Worcester, and Wolverhampton Bills were reported to the House of Commons, Mr. Cobden moved, as an amendment upon that motion at the instance of the London and North Western and Midland opposition, that the Gauge Commission should be constituted. That was in 1845.

1400. The Gauge Commission was in 1846?—I am speaking of that.

1401. The question referred to Lord Dalhousie's report, in the year 1845, as to where, in the opinion of the Board of Trade, the break of gauge ought to take place in the country?—Just so; I remember that was in the beginning of 1845. That was the report made by the Railway Department of the Board of Trade against the Oxford, Worcester, and Wolverhampton, and the Oxford and Rugby Railways, and in favour of the London and Birmingham narrow gauge schemes.

1402. What you have been speaking of, the invitation on 11th June 1845, was before the issuing of Lord Dalhousie's report?—No, it was after Lord Dalhousie's Report on those projects.

1403. Was it not the same year?—The Board of Trade in that year made reports upon all the different railways throughout England, and gave their opinion as to the lines for which they thought Bills ought to be carried, and those which they thought ought to be rejected. The Board of Trade, as all thought who were concerned for the Great Western, had not the means of investigating the whole merits of those rival schemes. They reported against the Oxford and Rugby, and the Oxford, Worcester, and Wolverhampton lines of the Great Western, and in favour of the London and Birmingham lines from Oxford to Rugby, and Oxford to Wolverhampton; it was subsequently to that Report Captain Huish and the Grand Junction Railway united with us, in urging and recommending that the broad gauge line should be carried, and those broad gauge lines were carried successfully through Parliament. They were carried in opposition to Lord Dalhousie's report; there is no doubt about that. It was what was familiarly termed the battle of the gauges.

1404. Then the Gauge Commission was in 1846?—The Gauge Commission reported in 1846.

1405. What was their report?—Their report was a very singular document. I cannot describe to you what it was, excepting that it recommended very strongly that the narrow gauge should be continued as the gauge of the country, implying that the broad gauge had no superiority in speed, power, or anything else. Their report was against the broad gauge. I know afterwards that the Act of Parliament passed, and very judiciously provided that the broad gauge was to exist in certain parts of the country, but that the broad gauge should not be laid down upon lines for passengers, excepting in instances where an Act of Parliament itself specifically permits it. We have, consequently, had on several occasions, to raise the whole question of broad gauge, narrow gauge, and mixed

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gauge before Committees both in the House of Commons and the House of Lords; and up to the present time, the broad gauge is sanctioned as far as Wolverhampton, in a northern direction.

1406. *Chairman.*] It has been stated that the intention of that clause in the Gauge Act, to which you have just referred, was limited to certain Bills, which were then pending before Parliament; is that your understanding?—No, certainly not; and the proof of it is that the Act of Parliament provides in the second clause that it may be laid on lines promoted "in the present or any future Session," if Parliament shall specifically sanction it.

1407. Mr. *Denison.*] Is your opinion, generally, that you are unfavourable to the amalgamation of large companies, that you are favourable to the amalgamation of continuous lines of railway, and that in other respects you wish to leave the matter pretty much as it stands, and the present state of competition to remain as it now does?—I think you have correctly described my views on that question.

1408. Is it also your opinion that competition has been a successful element with regard to the management of railways, as with regard to the management of other matters?—I think so; railways are very much improved in this country by reason of that rivalry and competition which has existed. It will tend to keep down rates, enlarge the accommodation, and improve the system of railways all over the country; and with those views, I cannot do otherwise than express them freely; I think a fair and healthy competition ought to be maintained where there is traffic for two independent lines of railway.

1409. Mr. *M. Milnes.*] Are you in favour of the establishment of any central authority, either for the purpose of arbitration or to which appeal could be made, in case of difficulties, between railway companies and the public?—I think, to the extent to which that authority now exists, it is wholesome, and not very troublesome; I am not prepared to say that it is not a wise step, on the part of any Government, to have a power by which they may vindicate the rights of the public, if railway companies should attempt improperly to interfere with them. But if Government interposes much in the minute management of railways, if they interfere with trains, or the establishments, of the company, they must take the responsibility upon themselves, and off the companies. It is impossible there can be co-ordinate responsibility, and minute interference with the management of railways will be mischievous. I have always deprecated it in giving evidence before Select Committees on railways, and every year's subsequent experience convinces me of it.

1410. Do you think that any of the fatal accidents which have occurred on railways might have been prevented, or that future ones may be, by the interference of a central authority?—There may be instances in which accidents might have been prevented; but I think you are much more likely to paralyse exertion and endanger the safety of railway travelling, by diminishing the responsibility of railway companies, and that the public opinion will always act on railway boards and managers, in a much more wholesome manner than a Government department can do so.

1411. How is it your intention to work the Shrewsbury lines, supposing that you gain command over them?—I think we should work continuously with traffic from London and from all parts of our line of railway; viz. Windsor, Reading, Basingstoke, Oxford, &c., booking passengers and goods throughout from all parts of our line to all parts of those lines, and up to the Mersey at Birkenhead. I think we should make arrangements for carrying them partially on the broad gauge, and partially on the narrow gauge.

1412. Do you intend to work both the narrow and the broad gauge?—Yes; there are a great many lines in connexion with the narrow gauge railway, of the Shrewsbury and Chester, which would render it necessary for them to work with narrow gauge trucks, for the goods traffic; but the quick traffic, and the passenger traffic would be carried on, probably, by the broad gauge. I think we could do that more economically.

1413. Do you contemplate one direct line, between London and Birkenhead, going continuously on the broad gauge?—Yes.

1414. And on that you think you could compete successfully with the present line to Liverpool?—Yes, I think so.

1415. Is not that, after all, the great question of competition, or non-competition, which is before the railways at the present moment?—It is very much that

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that: it is whether all the inhabitants of the north of England, Scotland, and Ireland are to be bound to the narrow gauge lines, between Lancashire and the south, or whether they are to have the option of varying their route, sometimes going by the broad gauge, and sometimes by the narrow gauge. I think they had better have two systems to select from instead of becoming limited to one line only.

1416. Colonel *Mure*.] Are we to understand from your previous evidence that private arrangements between different companies cannot be carried out in such a manner as to preclude competition, without the interference of Parliament granting amalgamation?—In the former part of my evidence, I stated that combinations are now carried out without any interference with them; but I think those combinations are bad for the public; and that they may be prevented. Arrangements made, for facilitating traffic instead of combinations refusing to to carry it, are beneficial; I have no doubt that this latter method of dividing receipts by agreement, whether earned or not earned upon the line, ought to be prevented.

1417. Do you mean by legislative enactment?—I think so.

1418. It has been stated by a high railway authority as an opinion, that where combination is possible among railway companies, competition is impossible; are you of that opinion?—I am not of that opinion; but if I were, then I should suggest to Parliament, by way of remedy for it, "Render combination impossible; in order to maintain competition." It is plain enough that if monopoly and combination are not desirable, they should be prevented; there is no difficulty in accomplishing that result; your have only to decide that combination shall be forbidden and precluded, and competition will then revive and exist.

Captain *Mark Huish*, called in; and further Examined.

1419. ARE there any parts of the evidence of Mr. Saunders upon which you wish to offer any observations?—There are.

1420. Have your company and the Great Western ever attempted to divide traffic between you?—We have made several attempts, and I hold in my hand a number of letters upon the subject, in which the London and North Western and the Great Western have partitioned out the whole of the traffic between London and Birmingham, allotting a certain portion to each company.

1421. Have you the correspondence?—Yes.

1422. Was that the negotiation alluded to by Mr. Saunders as having taken place in 1849?—Yes.

1423. But it ended in no arrangement?—It has not yet ended in any arrangement.

1424. What was the effect of the circular read by Mr. Saunders on the Grand Junction Company?—The effect of the circular which Mr. Saunders has read, and which he has read on various occasions before Committees, was undoubtedly to bring about an immediate arrangement between the London and Birmingham and the Grand Junction, and to obtain for the Grand Junction a large sum of money as the price of it.

1425. What are your relations with the Shrewsbury Companies, of which Mr. Saunders has spoken?—Mr. Saunders has alluded to the competition that was carrying on between the companies north of Birmingham. Now, Mr. Saunders' definition of competition is a healthy attempt to excel, and thereby obtain popular support. The competition proceeding between those companies cannot come within that category at all; it is a mere attempt of one company to see how far it can destroy the other, in order to be bought off; they having offered to cease, and give over opposition, if we would pay them 250 *l.* a week.

1426. How is it that your Bletchley fares are higher than your Oxford fares?—That is a small question which Mr. Saunders seemed to lay some stress on, and which I think it necessary to answer; of course our fares to Oxford are limited by the fares which the Great Western charge; and as they charge their maximum fares, we cannot put ours higher.

1427. Have you heard what Mr. Saunders said about the Banbury and other fares?—Yes; and I can only say that, wherever we have come in contact with the Great Western, the fares and freights have always been arranged by concert, agreeing the one not to charge less than the other; and I hold in my hand several letters from Mr. Saunders, in which he specifically alludes to that, and not only

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as to the rate of fares, but the character of the accommodation to be given by each party. Captain *M. Huish.*

1428. Have you not frequently offered arbitration to the Great Western?—Mr. Saunders seemed to infer that there was a difficulty in keeping the two companies to bargains they had made. He said they had been departed from, and therefore that his directors had felt that it was difficult to maintain them. Now we have always felt that the zeal of servants might possibly occasionally cause them to deviate from rates; and one of the conditions always proposed in the arrangement between the companies, and at one time suggested by the Great Western itself, was, that there should be an arbitrator between the two companies, who should levy a penalty upon one or other, if either of them infringed the agreed terms on which they were both carrying. 28 February 1853.

1429. Are the agreements which you have made with the Great Western considered by them to be legal?—I do not consider those kind of agreements, to which Mr. Saunders objects to, if they are called combinations (he having frequently told us to consider them as agreements), can be considered legal, nor, in fact, are they considered so by our solicitors; but they have recommended us to carry them on without attempting to make them absolutely legal and binding.

1430. Mr. *Labouchere.*] When you say that they are not legal, do you mean that they cannot be enforced in law, or illegal, so as to subject you to a penalty? They are not illegal, so as to subject us to a penalty, but they cannot be enforced by one company against the other. They are honourable engagements entered into for the advantage of both; but they are always kept, because it is the interest of both to keep them.

1431. *Chairman.*] Mr. Saunders states in his evidence that illegal agreements are those which divide the traffic; are not those agreements made in writing, and deliberately considered before they are made?—Those agreements for the division of the traffic are sometimes agreements in writing, and deliberately considered before they are made; the effect of them is principally to allot the traffic between certain companies, who can compete with each other; not always to divide the traffic afterwards acquired, so much as to decide which party shall carry it.

Mr. *Seymour Clarke*, called in; and further Examined.

1432. *Chairman.*] Mr. Stephenson made some reference to your having refused running powers to the Boston Company, do you wish to state anything on that subject?—The reason why I did refuse it was, because it was not now the law of the land that there should be reciprocal running powers. If reciprocal running powers had been granted in opposition to our interest, there would be no reason for my refusing it to the Boston Company; but while other companies refuse that we should run into their lines, I could not allow a competing company to run on our line, until the law of the land is altered. Mr. *S. Clarke.*

A P P E N D I X.

Appendix, No. 1.

Appendix, No. 1.

OUTLINE of Proposed Arrangements; in Reply to Q. 241.

Enact that it shall be lawful for the Board of Trade, from time to time, to enter into "Conventions" for specified periods, not exceeding 20 years, with railway companies, securing them exclusive privileges of providing railway accommodation between specified towns, or in specified districts, in exchange for adequate securities given by the companies to provide such accommodation in the most complete and efficient manner for a moderate remuneration on the capital expended.

Such "Conventions" to contain the following, among other provisions for the protection of the public:—

Generally speaking 5 per cent. on an average of two or three years.

1. *Revision.*—A provision that when the dividend (or net divisible profit) has exceeded per cent., the Board of Trade may revise the tariff to such an extent, as is calculated to reduce the dividend to that per centage.

The details of the revision to be settled, in case of difference, by an arbitration between the Board of Trade and company.

The revised tariff to be in force for seven years. If the revised tariff is proved, at the end of the first year, to have reduced the dividend more than was contemplated, the company may claim a fresh arbitration.

Audit to be provided for to a sufficient extent to guide the revision.

2. *Branches and Additional Outlay.*—The Board of Trade to have a general power of calling upon the railway company to execute such works, whether improvements of existing lines or new lines, as in their judgment were fairly required for the safe and sufficient accommodation of the traffic of the district assigned to the company.

In exerting this power, the Board of Trade would probably act on something like the following principles:—

They would absolutely require outlay necessary for safety, or to bring the railway up to a fair average standard of punctuality and efficiency, without reference to remuneration.

In requiring improvements beyond this point, they would look to the prospect of return, and the position of the company. For instance, if a company, whose point of revision was 5 per cent., was paying only 3 or 4 per cent., the Board of Trade would not urge them to lay additional rails, enlarge stations, improve carriages, &c., unless clearly required for safety, or to furnish a fair average extent of accommodation; but, if paying 5½ per cent., the Board of Trade might fairly elect to require additional outlay in lieu of revision.

The same principles would apply to branches. The Board of Trade would look,

1st. Whether the parties locally interested proved their desire for the branch, by offering to pay the expenses of the inquiry, to give the land at a fair price, to subscribe or guarantee part of the capital, &c.

2d. Whether the prospects of traffic, both on the branch itself, and contributed to the main line, were such as to lead to the belief that the company might find the capital (or lease the branch at a corresponding rent), without serious risk of reducing its dividend, if below the revision point. If above it, the Board would balance between the public benefit of the branch and of revision.

As a security to the railway company against arbitrary exercise of this power, I would provide, that where the outlay required from the company exceeded such an amount as might seriously affect their dividend, instead of issuing at once an absolute order, the Board of Trade should be empowered to introduce a Bill to compel the company to comply with its order, upon which Bill the company could be heard in the usual way by counsel and witnesses.

3. *Control.*—The Board of Trade to have a general control in matters of safety. To be exercised, in case of difference between the Board and Company as to the measures recommended, by arbitration.

Also

Also a control over arrangements between independent companies, at points of junction, &c., affecting public convenience. To be exercised in like manner by arbitration; or, where the public suffered from disputes between two companies, by compelling them to resort to arbitration. Appendix, No. 1.

As regards general control over working arrangements, such as the running of trains, variation of rates, arrangements with carriers, &c. &c., I think, on the one hand, that, in creating express monopolies for a long period, the public should not be left altogether without protection; but, on the other hand, that it would be most mischievous that any Government department should be placed in a position to interfere with, and become responsible for, details of management.

I propose to meet this, therefore, by a general provision, that, if the Board of Trade at any time come to the conclusion that any railway was not fairly carrying out the spirit of the "Convention," by affording a proper and reasonable amount of public accommodation, it should be lawful for the Board of Trade to give a warning, in writing, pointing out the grounds of complaint; and, if they were not removed within a reasonable time, a notice terminating the "Convention."

In order to preserve the due control of Parliament over arrangements of such importance, I would provide, that every "Convention" should, in the first instance, be concluded provisionally, and shall not be ratified by the Board of Trade, until it had been laid for a certain time before both Houses of Parliament.

Appendix, No. 2.

PETITION of Inhabitants of the Counties of *Wilts*, *Somerset*, and *Dorset*, &c. Appendix, No. 2.

To the Honourable the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled.

The humble Petition of the undersigned Inhabitants of the Counties of Wilts, Somerset, and Dorset, and of the Proprietors of Land on the Lines of the several unexecuted Railways hereinafter mentioned,

Showeth,

That in the years 1845, 1846, 1847, and 1848, various Acts of Parliament were obtained by the Great Western, and Bristol and Exeter Railway Companies respectively, authorising the formation of certain lines of railway in the counties of Wilts, Somerset, Dorset, and Hants, the particulars of which are more fully set out in the first Schedule hereunto attached.

That the extent of the lines authorised to be constructed under the Acts so obtained by the Great Western Railway Company is 189 miles.

That the extent of the lines so authorised to be constructed by the Acts obtained by the Bristol and Exeter Company is 72 miles, making together 261 miles.

That out of the 189 miles so authorised to be constructed as aforesaid, 26 miles only have been completed and opened, being part of the Wilts, Somerset, and Weymouth Railway, from its junction with the Great Western Railway at Thingley to the towns of Warminster and Frome, and that from those points to the city of Salisbury on the one side, and to Dorchester and Weymouth on the other, the works have been commenced, but have been long since discontinued, and the whole line of the projected road has been left a mass of unfinished cuttings and embankments.

That, with the exception of some trifling works which have been commenced on the Trowbridge and Bath and the Radstock Branches, none of the remaining railways so authorised to be constructed by the Great Western Railway have been commenced.

That no part of the said railways authorised to be constructed by the Bristol and Exeter Company have been opened, and with the exception of a portion of the works, the Yeovil and Durston Branch, no part of the said lines authorised to be constructed by that company have ever been commenced.

That notwithstanding the Great Western and Bristol and Exeter Companies have still unexecuted this vast amount of authorised railway, they are jointly promoting, in the present Session of Parliament, a Bill for the construction of a railway from Stoke Cannon, a point on the Bristol and Exeter line, near Exeter, to Maiden Newton (a point on the unexecuted part of the said Wilts, Somerset, and Weymouth Railway), being a line of upwards of 50 miles in length, the estimated expense of which is one million.

That in addition thereto, the Great Western Company are also promoting, in the present Session, Bills for constructing, or altering, or acquiring, by means of guarantee of dividends or otherwise, in other parts of England, the control over the various railways, the particulars of which are set forth in the second Schedule hereunto annexed.

That your petitioners are greatly aggrieved by the non-execution of the various lines in the counties of Hants, Somerset, Dorset, and Wilts hereinbefore referred to.

Appendix, No. 2.

That although various applications to the Great Western Railway directors have been made to complete different portions of the lines already commenced, the directors have declined to proceed with the works.

That the Great Western Company already allege, as a reason for not completing the Wilts, Somerset, and Weymouth Railway, the want of funds; but if the various Bills promoted in the Session by them are passed, they will be still further unable to find the necessary capital.

That your petitioners respectfully submit to your Honourable House, that the non-execution of the powers conferred by Acts of Parliament, is directly contrary to the spirit and intention with which the same were granted, and is calculated to bring the railway legislation of this country into contempt.

That your petitioners further respectfully submit, that the monopoly of a district of country, by an Act of Parliament imposes, as between the promoters and the landowners of that district and the public at large, mutual obligations, and that they are entitled to have such obligations carried out by the construction of the line; and that therefore no further powers, for executing additional lines of railway, ought to be granted to either the Great Western or Bristol and Exeter Companies, until the various lines, which they are authorised to construct, have been executed.

That objections, similar in principle to those above referred to, apply equally to the proceedings of the London and South Western Company in the above district; but, inasmuch as that company is not applying to Parliament in this Session for leave to expend further monies, your petitioners abstain from going into any details in reference to their proceedings.

That in the ordinary practice of your Honourable House, your petitioners, notwithstanding their anxiety to be heard, have no *locus standi* to appear before the Committees to which the several Bills so promoted, as aforesaid, may be referred; but your petitioners submit that your Honourable House, having appointed a Select Committee "to consider the principle of amalgamation, as applied to Railway and Canal Bills, about to be brought under the consideration of Parliament, and to consider the principles which ought to guide the House in railway legislation," that the Bills promoted by the Great Western and Bristol and Exeter Companies, under the circumstances above detailed, are fitting subjects for the consideration of such Committee, in order that some general rules, regulations, or provisions may be devised to secure a remedy for the several evils above referred to, or that such other provisions may be made in respect thereof as to your Honourable House, or to such Committees respectively, shall seem fit.

THE FIRST SCHEDULE REFERRED TO.

TITLE OF ACT.	Date of Act.	Capital and Loan authorised to be raised.	Length of Railway thereby authorised in Miles.	Length Executed in Miles.	Length Unexecuted in Miles.
Wilts, Somerset, and Weymouth Railway Act; Wilts, Somerset, &c., Railway - - - -	1845 1846	2,320,000	136	26	110
Bristol and Exeter Railway to Yeovil, and Branches - -	1845	666,600	20	none	20
Bristol and Exeter Railway, Crewkerne Branch Railway Act -	1846	- nil -	8	none	8
Great Western Railway, Tiverton and Radstock Lines - - -	1847	506,666	18	none	18
Great Western Railway, Berks and Hants to Westbury and Devizes	1848	800,000	35	none	35
Bristol and Exeter Railway, Bleadon to Wells, &c. - - -	1848	733,000	22	none	22
Bristol and Exeter Railway, Taunton to Castle Cary - - -	1848	473,000	22	none	22
		5,499,266	261	26	235

THE

THE SECOND SCHEDULE REFERRED TO.

PART 1.

Titles of Bills of present Session, conferring Powers on Great Western Railway Company of expending their existing Capital on New Works, proposed to be authorised by such Bill, where no Estimate of the Expense has been deposited.	New Works proposed to be authorised, and New Liabilities proposed to be incurred by Great Western Company.
Great Western Railway - - - - (Power to run over, &c.)	To lay Broad Gauge upon 137 miles, or thereabouts, of Lines of existing Railway Companies, viz., the Shrewsbury and Hereford, the Shrewsbury and Chester, the Shrewsbury and Birmingham, the Birkenhead, Lancashire, and Cheshire Junction, and part of the Chester and Holyhead Railway, and to alter Stations and Works of those Railways, so as to adopt them to Broad Gauge. Also, to guarantee Interest on Capital of Shrewsbury and Birmingham and Shrewsbury and Chester Railway Companies.
Birmingham and Oxford Junction, Birmingham and Wolverhampton, and Dudley and Great Western Railways.	To lay Broad Gauge on part of the Line of South Staffordshire Railway Company, and to alter Stations and Works of that Company.

THE SECOND SCHEDULE REFERRED TO.

PART 2.

Title of Bill of present Session where Estimate has been deposited.	Amount of Further Expenditure proposed to be authorised.	By what Company.
Birmingham and Oxford Railway Junction -	10,666	Great Western Company.
Worcester and Hereford Junction Railway -	300,000	Great Western Company.
Devon and Dorset Railway (Great Western)	666,666	Great Western Company.
Great Western Railway, Henley Line -	90,666	Great Western Company.
Great Western Railway, power to run over, &c.	13,333	Great Western Company.
Bristol and Exeter, Devon and Dorset -	666,666	Bristol and Exeter.
	1,747,997	

Your petitioners therefore humbly pray that your Honourable House will grant them relief in the premises, or that such other order may be made as to your Honourable House shall seem fit.

And your petitioners will ever pray, &c.

George Harbin,
Newton House, Yeovil, J. P. for Somerset and Dorset.

Nathaniel Bridges,
Henstridge, Somerset, Vicar of Henstridge.

Littleton Charles Powys,
Stalbridge, Dorset, Rector of Stalbridge.

(And others.)

Appendix, No. 2.

PETITION of the Inhabitants of the City of *Salisbury*, &c.

To the Honourable the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled.

The humble Petition of the Inhabitants of the City of Salisbury, and the Landholders and others interested in the completion of that portion of the Wilts, Somerset, and Weymouth Railway, lying between Salisbury and Warminster.

Showeth,

That in the year 1844 a company, in connexion with the Great Western Company, was started for the sole purpose of making a railway from the Great Western Railway at Chippenham to Salisbury, with a branch to Frome, to be called the Wilts and Somerset Railway.

That the landholders and inhabitants of the district warmly supported the undertaking; and at a public meeting held in the city of Salisbury, at which Mr. Hayter, a director, and Messrs. Brunel and Saunders, the engineer and secretary of the Great Western Company, attended, and they pledged themselves to the execution of the line.

That subsequently to such meeting the scheme of the Wilts and Somerset Railway was extended from Frome to Yeovil, Dorchester, and Weymouth, for the purpose, as it is believed, of intercepting a contemplated railway through Salisbury and Yeovil to Exeter, and was from that time called the Wilts, Somerset, and Weymouth Railway.

That the Act for making such railway was obtained in the Session of 1845, by the Wilts, Somerset, and Weymouth Company, and a lease of the line, at 4 *l.* per cent. on the capital to be expended, was taken by the Great Western Railway Company; and subsequently, viz., by 14 & 15 Vict., Session 1851, the undertaking became absolutely vested in the Great Western Company.

That under the provisions of 11 & 12 Vict. c. 3, whereby any railway company was empowered to apply to the Commissioners of Railways for extension of time for completing the railway or works of such company, and the purchase of lands required for such railway, the compulsory powers of the Wilts, Somerset, and Weymouth Company were extended to the 30th June 1854.

That pursuant to the Act incorporating the Wilts, Somerset, and Weymouth Company, although the shares have been fully paid up, the only portion of the railway that has been finished is from Chippenham to Westbury and Frome, and as far as Warminster; and your petitioners are given to understand, that although possession of the land required for the purposes of the line between Salisbury and Warminster has been taken, and one-half of the works have some time since been completed, there is no present intention on the part of the Great Western Company to complete the line from Warminster to Salisbury.

That the completion of such link is a primary debt owing by the Great Western Company, not only to the inhabitants of Salisbury and the landowners on the line, but also to the public and Government of this country.

That the inhabitants of Salisbury have reason to complain of an immense diversion of traffic which naturally belongs to their city, inasmuch as, previous to the introduction of railways, the principal road for posting, and other traffic, between Dover, Brighton, Portsmouth, Southampton, and Isle of Wight on the one side, and Bath, Bristol, Gloucester, and South Wales on the other, having been through Salisbury, and on the line of this unfinished railway.

That many benefits would accrue to the inhabitants of Salisbury and others on the completion of the line between Salisbury and Warminster; amongst others, the introduction of coals from Radstock, Kingswood, and other pits, which might be delivered at Salisbury at 10*s.* to 15 *s.* per ton; the present price of the great bulk of coals now consumed, being from 24*s.* to 28 *s.* per ton.

That thus, by the introduction of this new supply from the west at a low price, and the consequent reduction to be expected from competition in the price of Newcastle coals, a saving of from 4,000*l.* to 5,000*l.* annually would be effected, conferring unspeakable comforts upon the poor and all classes.

That on the completion of the Salisbury and Warminster line, the markets at Salisbury would be materially increased, and rendered as good as, if not better, than any in the south of England; but at present the advantages of its natural central position are not developed from the want of that very communication which such line of railway would afford by directly connecting it with Bristol and the Glamorganshire Iron Works.

That the completion of the Salisbury and Warminster line would be most important to the Government, inasmuch as it would be the means of immediately connecting Portsmouth with Bristol and Plymouth, and thus facilitating the conveyance of troops.

That the following instances will prove that the public are compelled to travel by the present Great Western route, in many cases, nearly two miles instead of one. The present distance from Bath to Portsmouth, by Swindon, Reading, and Basingstoke, is 132 miles
Viâ Salisbury, if the Salisbury and Warminster line were completed - - 82 ,,

Difference - - - 50 miles.

The

The present distance from Bristol to Portsmouth, by the same route, is -	144 miles
Viâ Salisbury - - - - - - - - - - - - -	94 „
Difference - - -	50 miles.

The present distance from Bath to Southampton, by the same route, is -	118 miles
Viâ Salisbury - - - - - - - - - - - - -	65 „
Difference - - -	53 miles.

That thus the Great Western Company at present contrive to keep their passengers, for instance, from Bath to Southampton, on their line, as far as Reading and Basingstoke, a distance of 86 miles. Whereas, if the new line from Warminster to Salisbury is completed, the Great Western Company would lose such passengers at Salisbury, having carried them only 40 miles; or, in other words, they will then carry them only one mile where they now carry them two.

That on obtaining their Act, the Wilts, Somerset, and Weymouth Company gave in evidence that the traffic on this line would be amply sufficient to support the same, and your petitioners have no reason to doubt the truth of such statement.

That the ground being pre-occupied by the Great Western Company, other parties, who are willing, are necessarily prevented from carrying out the line between Salisbury and Warminster.

Your petitioners therefore pray your Honourable House not to sanction any further powers to the Great Western Company for the formation of other railways, either westward, or towards the north of England, until the important link of railway communication between Salisbury and Warminster in their own district be completed; and that your Honourable House may take such further means for compelling the execution of the railway between Salisbury and Warminster, as the circumstances of the case may require, the rights of the public may demand, and to your Honourable House shall seem meet.

And your petitioners will ever pray, &c.

E. E. P. Kelsey, Mayor of Salisbury.
E. Sarum.
H. P. Hamilton, Dean of Salisbury,
And others.

PETITION of the Magistrates and Town Council of the Royal Burgh of *Montrose.*

Unto the Honourable the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

The humble Petition of the Magistrates and Town Council of the Royal Burgh of Montrose,

Showeth,

That the Aberdeen Railway Company are proprietors of the lines of railway extending westward from the city of Aberdeen until it joins the Arbroath and Forfar Railway at Guthrie, and that line is exposed to no competition, and has therefore the entire control of the traffic passing along it.

That from the point of junction at Guthrie there are several competing lines leading to the west and south, one of them passing by Forfar, along the Scottish Midland Junction Railway, to Perth; another passing through Arbroath, along the Dundee and Arbroath, and Dundee and Perth lines; and a third, diverging from the Dundee and Arbroath lines, crossing at Broughty Ferry, passing through Fife, and leading to Edinburgh.

That the Aberdeen Railway Company, besides being proprietors of their own lines, are lessees in perpetuity of the line between Arbroath and Forfar, and they obtained their Acts for forming the one, and leasing the other, upon the representation made by them to Parliament, that they would work those lines fairly, and for the advantage and convenience of the public.

That the Aberdeen Railway Company have failed to work the lines under their control and management, in a manner beneficial and convenient to the public. On the contrary, they some years ago entered into a private combination and agreement with the Scottish Midland Company, to encourage by every means the route by that line, and to discourage the route by all other lines, although the distance between Aberdeen or Montrose and Edinburgh is upwards of 20 miles shorter by the route along the Dundee and Arbroath railway, and the railway through Fife, than it is by the Scottish Midland route, and although the great towns of Arbroath and Dundee lie in the course of the routes along the Dundee and Arbroath lines; whereas the Burgh of Forfar, only of comparatively small population, lies in the Scottish Midland route.

Appendix, No. 2.

That by the foresaid agreement between the Aberdeen and Scottish Midland Companies, they bound themselves mutually to support each other in leading, as far as in their power, "all the traffic, up as well as down, in passengers, goods, minerals, and cattle, to travel by their trains and that route." They also made provision for establishing through rates, for all such traffic, and for fixing times for the trains to work the said lines, "as if both were one integral line, and one concern and interest;" and farther, they bound themselves that they should not book traffic, or have through rates, by way of Arbroath, to any place North of Arbroath, or to or from any place south or west of Dundee.

Farther and particularly it was by the said agreement provided, that the Scottish Midland Railway Company should pay to the Aberdeen Railway Company a provision of no less than 20 per cent. on all the gross traffic that should be so sent or forced over their said lines.

That the consequences of the said agreement and amalgamation have been seriously felt by the public, and especially by the inhabitants of Montrose and Brechin. The traffic has been forced out of its natural routes, while the most vexatious delays and every possible impediment have been interposed in the way of the traffic between Arbroath, Dundee, and Brechin.

That a part of the original main line of the Aberdeen Railway, diverging southwards at a distance of about two miles to the east of Guthrie Junction, convenient for the traffic between Brechin and the south and west, has been discontinued, and another part, inconvenient for that traffic, but to serve the Scottish Midland traffic, has been kept open and wrought.

That the Aberdeen Railway Company have refused and continue to refuse to book through to the south either passengers or goods, unless they shall travel or be sent over the Scottish Midland Railway; and in like manner they have refused to allow other companies to the south to book either through passengers or goods travelling to any town north of Arbroath, unless they shall be sent by the Scottish Midland routes; the Aberdeen Company exacting, as aforesaid, a premium of 20 per cent. on all such traffic, and the Scottish Midland consenting to pay the same on account of the advantages it receives through the loss and injury of the public.

The petitioners humbly submit to your Honourable House, that such a state of things ought not to be allowed to continue; but, on the contrary, that such measures should be adopted as to allow traffic of all kinds to flow in its natural channels, and that in particular the Aberdeen Railway Company should be obliged to work the lines under its control in an impartial manner for the advantage and convenience of the public, and that, as common carriers, they should be required to carry all traffic along their lines upon equal terms, and that irrespective of the route by which it shall come or by which it shall be intended to go; and they ought to be required to receive, forward, and book all through passengers and goods, without regard to their routes or railways, and only as the public shall require them.

May it therefore please your Honourable House to take this petition into your consideration, and to devise and adopt such means as will prevent loss, or inconvenience, or want of proper accommodation to the public through private agreements of railways *inter se* for their individual advantage, or through the amalgamation and combination of railways; and also to give the petitioners such redress and relief in the premises as to your Honourable House shall seem proper.

And your petitioners shall ever pray.

Signed in name, and by appointment of the petitioners, by me, Provost and Chief Magistrate, and the Corporation Seal of the Burgh hereto affixed, at Montrose, the Nineteenth day of February, Eighteen hundred and Fifty-three years.

Seal.

(signed) *D. Mackie*, Provost.

SECOND

REPORT

FROM THE

SELECT COMMITTEE

ON

RAILWAY AND CANAL BILLS;

TOGETHER WITH THE

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, *by* The House of Commons, *to be Printed*,
28 *February* 1853.

[*Price* 1*s*. 10*d*.]

170.

Under 24 *oz*.

THIRD

REPORT

FROM THE

SELECT COMMITTEE

ON

RAILWAY AND CANAL BILLS;

TOGETHER WITH THE

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
18 *March* 1853.

Lunæ, 6° *die Decembris*, 1852.

Ordered, That a Select Committee be appointed to consider the principle of Amalgamation as applied to Railway, or Railway and Canal Bills, about to be brought under the consideration of Parliament, and to consider the Principles which ought to guide The House in Railway Legislation.

Jovis, 9° *die Decembris*, 1852.

Committee nominated of,—

Mr. Henley.	Colonel Mure.
Mr. Hume.	Captain Jones.
Mr. William Gladstone.	Mr. Deedes.
Mr. Labouchere.	Mr. Monckton Milnes.
Mr. Strutt.	Mr. Evelyn Denison.
Mr. Wilson Patten.	Mr. Laffan.

Ordered, That the Committee have power to send for Persons, Papers, and Records.

Ordered, That Five be the Quorum of the Committee.

Jovis, 16° *die Decembris*, 1852.

Ordered, That the Committee have power to Report their Opinion from time to time to the House.

Ordered, That Mr. Hume be discharged from further attendance on the Committee, and that Mr. Bright be added thereto.

Veneris, 11° *die Februarii*, 1853.

Ordered, That Mr. Gladstone, Mr. Strutt, and Mr. Cardwell, be added to the Committee.

Lunæ, 28° *die Februarii*, 1853.

Ordered, That the Committee have power to Report the Minutes of Evidence taken before them, from time to time to the House.

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THIRD REPORT.

MR. CARDWELL reported from the Select Committee appointed to consider the Principle of Amalgamation as applied to Railway, or Railway and Canal Bills, about to be brought under the consideration of Parliament, and to consider the Principles which ought to guide The House in Railway Legislation, and who were empowered to Report their Opinion, together with the Minutes of Evidence taken before them, from time to time, to The House; ——

THAT they had directed him to report to The House Minutes of the further Evidence taken before them.

18 *March* 1853.

LIST OF WITNESSES.

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MINUTES OF EVIDENCE.

Veneris, 4° *die Martii*, 1853.

MEMBERS PRESENT.

Mr. Cardwell.	Colonel Mure.
Mr. E. Denison.	Mr. Henley.
Mr. Deedes.	Mr. Bright.
Mr. Strutt.	Mr. Laffan.
Mr. Patten.	Mr. Labouchere.
Mr. M. Milnes.	Captain Jones.

THE RIGHT HON. EDWARD CARDWELL, IN THE CHAIR.

Charles Alexander Saunders, Esq., again called in; and further Examined.

C. A. Saunders, Esq.

4 March 1853.

1433. Mr. *E. Denison.*] ARE the Committee to understand that you speak the opinions of the Great Western Company, or that you are giving your own private opinions?—In respect of what?

1434. In respect of the evidence you have given generally?—Where I have expressed them as such, I speak my own personal opinions; where I have expressed them as the opinions of the directors, I speak their opinions, rather than my own. I should be sorry, in giving evidence, to be understood as committing every individual director, or the Board, to all the sentiments that I have uttered. If you ask me any particular question, I will give my evidence as fairly as I can.

1435. In answer to a question of mine, you gave an opinion that if the Great Western Company continued their line to Birkenhead, that that which has happened on the other side of Liverpool, that is, an arrangement between all the existing lines, would not be likely to happen between the Great Western and the other lines, because the Great Western was a great and powerful body?—I do not think that I represented any opinion that they were a great and powerful body.

1436. That they were a great and powerful body, and would stand in a different relation to the North Western, to those less powerful bodies who had made arrangements on the other side?—I think there is less tendency in a company with a large capital than there would be in a small company to make those arrangements.

1437. But that is a very important question, and I would ask you, whether we are to understand that you are speaking the opinion, generally, of the Great Western Company, or are merely speaking your own individual opinion in that answer?—I believe the opinion of the company to be concurrent with my own. I expressed my own opinion; but I dare say Mr. Russell will give you evidence, if you desire it, which will possess more force, as expressing the opinion of the Board, than mine can have.

1438. It will be necessary for the Committee to have the opinion of Mr. Russell upon such great and leading matters, unless you, as the secretary, were understood to speak the opinions of the Board on such points?—I believe I express the opinions of the Board, but I am not authorised to appear before you in the capacity of their officer, deputed to state what the views of the Board are on any particular subject. I honestly believe them, however, to be the opinions of the Board.

1439. But in those places where the Great Western came into contest with the London and North Western, do you give it as your opinion that the Committee

C. A. Saunders, Esq.

4 March 1853.

mittee need not expect a proposal for equal rates, and management, and apportionment of traffic, such as has taken place in the other lines spoken of in Lancashire and Yorkshire?—On the contrary, I have no hesitation in saying, that equal rates are approved of by the Great Western Company, are acted upon by them, and, I believe, will be continued to be so acted on by the Great Western Company. I must maintain, that a system of equal rates is perfectly consistent with competition. There are omnibusses running all over London at the same prices, but you will never say they are not competitors for the same passengers. I believe that equal rates, if they are moderate, will constitute the ordinary course of business, and that competition will be active in other things than rates.

1440. The question was as to equal rates, fixed apportionments, and joint and systematic management?—Then my answer to that question will be, with respect to equal rates, I think there will be an agreement; with regard to fixed apportionment of rates, that there will not be an agreement; and with regard to systematic management, I apprehend the Great Western will manage their affairs in the manner which they may think best calculated to secure the most traffic to their line. They will not commit themselves, as I believe, to a combination with respect to traffic.

1441. I ask that question, because a paper has been put into my hand, signed by Mr. Russell, dated 10 August 1852, in which a proposal has been made for an arrangement with the London and North Western, on the basis of equal rates, fixed apportionments, and management by a joint committee?—I do not at the moment remember to have seen such a paper; equal rates I know were proposed by him. If you show me the document, I will tell you whether it is a correct one; perhaps you will permit me to put in the whole correspondence, if you are quoting part of a correspondence.

1442. "Great Western Railway, Paddington station, 10 August 1852," a letter from Mr. Russell to George Carr Glyn, Esq.?—Will you allow me to look at the letter? (*It was handed to the Witness.*) I suppose the paragraph to which you allude is this: "That if the London and North Western Company should desire it, some fixed apportionment between the respective companies, of the net proceeds of all such traffic, after making a full and liberal allowance for the cost of managing and conveying it, shall be determined by an arbitration of three noblemen or gentlemen of high standing, to be previously selected." No doubt Mr. Russell did introduce that into a letter, and was willing to agree to it, but he also, in connexion with that, made these other conditions, which you will allow me to read: "We submit that this may be accomplished most securely by undertaking that all opposition shall cease on both sides to the performance of actual agreements into which either company may have entered, the *bona fides* of which, in case of dispute, may be decided in an amicable suit in a court of equity, on condition that equal charges, within the rates prescribed by Parliament, for all traffic to or from places to which both companies shall convey passengers or goods, by the two independent systems, shall be agreed upon; and that no obstruction or impediment shall be given by either company to the public desirous of using the railway of the other company." Then the third condition is: "That the companies in alliance, either with the London and North Western, or with the Great Western Company, be invited to join in the agreement for equal charges, with a proviso. if the attempt to arrange fails, it shall not affect any existing agreements." Then the fourth condition is: "That a general committee, consisting of equal numbers from the London and North Western and Great Western Boards, be forthwith appointed to carry the arrangement into effect, and to determine any matters bearing upon the general interests or proceedings of the two bodies not specially provided for, and to refer all differences to similar arbitration." It was no part of the policy of the Great Western Company to recommend apportionment of rates; it was a mere declaration, that if the London and North Western required it, the directors were willing to concede it, rather than admit amalgamation; but I say the Great Western, in my opinion, will not now agree to do that.

1443. It has been stated in evidence before this Committee, that other companies have come to arrangements for dividing the traffic of the district between them; is it your opinion that the London and North Western and the Great Western would not come to any such agreement as to any points where they came into contact?—It is my opinion that they will not now do so.

1444. Is not that a very recent opinion; because on 10th August 1852, whether it was the policy of the Great Western, or whether it was only the concurrence

currence of the Great Western in the policy of the London and North Western, the Great Western Company, under Mr. Russell's signature, were prepared to agree that a proposal should be made for equal rates, fixed apportionments, and management by a joint committee?—No, the proposal was not from Mr. Russell, to make fixed apportionments; his proposal was for equal rates. It is true that Mr. Russell acquiesced so far, that if the London and North Western wished this apportionment, the Great Western would refer it to three noblemen or gentlemen to decide upon it. It is rather a concession to them than a proposal from the Great Western. All I can say is, that paragraph does not shake my opinion that the directors will not consent now to refer to anybody to make an apportionment of the traffic.

1445. Is not that a change of sentiment, which has occurred very recently indeed?—I do not think so; I think there has been a constantly growing reluctance to any apportionment of traffic at all.

1446. Mr. *W. Patten.*] Does that apportionment refer strictly to the traffic?—If the London and North Western wished it to form a part of any arrangement, it was to be treated as a concession to their proposal; the apportionment refers to net proceeds of traffic, after a full allowance to be made to each company for the cost of conveyance and management of it.

1447. *Chairman.*] Do you mean, in short, an arrangement between the Great Western and the London and North Western, similar to that which exists under Mr. Gladstone's award between the Great Northern and the North Western?—I do not know whether they mention the apportionment as of net proceeds.

1448. If there were net proceeds, that was the same arrangement, was it not?—Yes.

1449. Are those papers which are put into your hands, as far as you know, accurate copies of the correspondence?—I suppose they are; they appear to have been published by the London and North Western.

1450. Are there any papers which, in consequence of these being put in, you wish to be put in?—I should think it probable that there are some.

1451. Will you have the goodness to put in those other papers?—I will look through them, if you will allow me, and see what is proper to be put in.

1452. These papers being now made part of the evidence, it will be open to Mr. Swift, or yourself, to put in other parts of the correspondence, so as to give the Committee a complete view of the matter?—Yes, as well as of the subsequent correspondence which has taken place on other subjects.

1453. Are you aware that there have been laid before this Committee certain petitions; one is the petition of the inhabitants of the counties of Wilts, Somerset, Dorset, and Hants, signed by Mr. George Harbin, Newton House, Yeovil, by Mr. Bridges, vicar of Henstridge, and by Mr. Powis, rector of Stalbridge; then there is a petition from the city of Salisbury, signed by the Mayor, the Bishop, the Dean of Salisbury, and others. The first of those petitions says, "That, in the years 1845, 1846, 1847, and 1848, various Acts of Parliament were obtained by the Great Western, and Bristol and Exeter Railway Companies respectively, authorising the formation of certain lines of railway in the counties of Wilts, Somerset, Dorset, and Hants, the particulars of which are more fully set out in a schedule; that the extent of the lines authorised to be constructed under the Acts so obtained by the Great Western Railway Company is 189 miles; that the extent of the lines so authorised to be constructed by the Acts obtained by the Bristol and Exeter Railway Company is 72 miles, making together 261 miles. But out of the 189 miles so authorised to be constructed, 26 miles only have been completed and opened, being part of the Wilts, Somerset and Weymouth Railway, from its junction with the Great Western Railway at Thingley to the towns of Warminster and Frome, and that from those points to the city of Salisbury on the one side, and to Dorchester and Weymouth on the other, the works have been commenced, but have been long since discontinued, and the whole line of the projected road has been left a mass of unfinished cuttings and embankments. That no part of the railways authorised to be constructed by the Bristol and Exeter Railway Company have been opened, and, with the exception of a portion of the works, the Yeovil and Durston Branch, no part of the said lines authorised to be constructed by that company have ever been commenced." Is it the case that out of 261 miles so authorised to be made, only one-tenth, namely, 26 miles, have been now opened and finished?—I cannot speak accurately either of the extent of those sanctioned or otherwise;

C. A. Saunders, Esq.

4 March 1853.

wise; but I can give a general description of the circumstances affecting those lines, if you will allow me.

1454. Have you any objection to make to the statement on this petition, that one-tenth part only has been made?—It may or may not be accurate; I will not vouch for the entire accuracy or not of that allegation at the present moment.

1455. But you are not prepared to dispute it?—No; but I should like to give an answer either now, or afterwards, to the other allegations in the petition.

1456. The petition then goes on to state, "That notwithstanding the Great Western and Bristol and Exeter Railway Companies have still unexecuted this vast amount of authorised railways, they are jointly promoting in the present Session of Parliament a Bill for the construction of a railway from Stoke Cannon, a point on the Bristol and Exeter line, near Exeter, to Maiden Newton, a point on the unexecuted part of the Wilts, Somerset, and Weymouth Railway, being a line of upwards of 50 miles in length, the estimated expense of which is 1,000,000*l.*" ?—That is true.

1457. "That in addition thereto the Great Western Company are also promoting in the present Session Bills for constructing, or altering, or acquiring, by means of guarantee of dividends, or otherwise, in other parts of England, a control over the various railways, the particulars of which are set forth in a schedule, namely, to lay the broad gauge upon 137 miles, or thereabouts, of lines of existing railway companies, namely, the Shrewsbury and Hereford, the Shrewsbury and Chester, the Shrewsbury and Birmingham, the Birkenhead, Lancashire, and Cheshire Junction, and part of the Chester and Holyhead Railways, and to alter stations and works of those railways, so as to adapt them to the broad gauge. Also to guarantee interest on capital of the Shrewsbury and Birmingham and Shrewsbury and Chester Railway Companies, to lay broad gauge on part of the line of the South Staffordshire Railway Company, and to alter stations and works of that company"?—There are Bills for those objects before Parliament during the present Session.

1458. Then they say, that although various applications to the Great Western directors have been made to complete different portions of the lines already commenced, the directors have declined to proceed with the works?—That is not true; not wholly true.

1459. What is the truth in that respect?—I will state it hereafter, in my general reply to the petition. That will enable me to give an explanation of the matter.

1460. Then they say, that "the Great Western Company already allege as a reason for not completing the Wilts, Somerset and Weymouth Railway, the want of funds. But if the various Bills promoted in the Session by them are passed, they will be still further unable to find the necessary capital"?—I do not think there is any such allegation now made by the company, whatever there may have been formerly.

1461–2. Then, in the Salisbury petition they say, "That they have great reason to complain of the immense diversion of traffic which naturally belongs to this city, inasmuch as previous to the introduction of railways, the principal road for posting and other traffic, between Dover, Brighton, Portsmouth, Southampton, and the Isle of Wight on one side, and Bath, Bristol, Gloucester, and South Wales on the other, had been through Salisbury, and on the line of this unfinished railway. That many benefits would accrue to the inhabitants of Salisbury and others upon the completion of the line between Salisbury and Worcester; amongst others, the introduction of coals from Radstock, Kingswood, and other pits, which might be delivered at Salisbury at from 10*s.* to 15*s.* per ton; the present price of the great bulk of the coals now consumed being from 24*s.* to 28*s.* per ton. That the following instances will prove that the public are compelled to travel by the present Great Western route, in many cases, nearly two miles instead of one. The present distance from Bath to Portsmouth by Swindon, Reading, and Basingstoke, is 132 miles; by Salisbury, if the Salisbury and Warminster line were completed, it would be 82; difference, 50 miles. The present distance from Bristol to Portsmouth by the same route is 144 miles; by Salisbury, 94 miles; difference, 50 miles. The present distance from Bath to Southampton by the same route is 118 miles; by Salisbury, 65 miles; difference, 53 miles. Thus, the Great Western Company at present contrive to keep their passengers, for instance, from Bath to Southampton, on their line as far as Reading and Basingstoke, a distance of 86 miles; whereas, if the new line from

from Warminster to Salisbury is completed, the Great Western Company would lose such passengers at Salisbury, having carried them only 40 miles; or, in other words, they will then carry them only one mile, where they are now carrying them two." These are the principal allegations contained in these two petitions; will you first state whether there are any facts in them which you dispute; and secondly, whether you mean to make any observations on the petitions?—With regard to the lines being unfinished, I admit that there are many lines unfinished, and I have no wish to dispute it. The circumstances which relate to these undertakings may be thus stated: In the years 1844 and 1845, the Great Western Company, in connexion with a new company called the Wilts, Somerset, and Weymouth Railway Company, projected a comprehensive plan of railways to connect the Great Western Line with Weymouth and Bridport, as well as with Salisbury, Devizes, and other towns in Wiltshire and Somersetshire. Those projects were laid before the Board of Trade for their consideration, and they reported in favour of them, and against other plans of the South Western Railway Company, asserting that there was not sufficient traffic to remunerate an outlay for two independent railways to pass through that district, and they considered that the country would be best served by the schemes of the Great Western Railway. Upon that report being published, the South Western Railway Company and the Great Western Railway Company came to an agreement to act upon the basis of Lord Dalhousie's Report. The conditions of that agreement was, that the Great Western Railway Company was to transfer to the London and South Western Company their lease of the Southampton and Dorchester Railway. The Great Western Company were to have Bills for the other lines unopposed, and the London and South Western Company were not to project lines to take away or divert the traffic from those railways so approved, unless and until the Board of Trade should consider a second line necessary to be carried into that district. Parliament granted those Bills in 1845, and immediately afterwards the Wilts, Somerset, and Weymouth Railway Company, with the assistance of the Great Western Company, purchased land on parts of all the lines that were then sanctioned, entered into contracts for the works, and proceeded vigorously to carry them out. In the year 1847, before those lines could be completed, and while they were in active prosecution, the South Western Railway Company came to Parliament for lines of railway, to take away the whole traffic of those districts, by promoting them direct from Basingstoke to Salisbury, from Salisbury to Yeovil, and from Yeovil to Exeter. A contest ensued in Parliament, and although at that time the pecuniary difficulties of all railway companies had commenced, and the South Western Company was obliged to pay 7 per cent. to obtain the money deposited for those Bills, Parliament thought proper to grant those lines to the London and South Western Company. Those Bills passed, I think, in the year 1848; the effect of which was to render the lines of railway previously granted through the Wilts, Somerset, and Weymouth district utterly valueless, and deprived of all chance of remuneration for the expenditure. There was no traffic that could pay for two lines; and even before the first could be finished, a second was granted to destroy the objects for which the former Bills had been granted.

1463. Mr. *Patten.*] What was the date of the Great Western Bill?—It was passed in 1845.

1464. And what is the date of Lord Dalhousie's Report?—The 31st of December 1844. It related to the Bills which subsequently passed in that Session.

1465. And the South Western applied for their Bill in 1847?—In 1847, and it was finally sanctioned in 1848.

1466. Mr. *Bright.*] Was that contrary to the agreement which they had entered into?—Directly in the teeth of their agreement. The Wilts, Somerset, and Weymouth Bill was obtained on the faith of the Report of the Railway Department of the Board of Trade, (Lord Dalhousie then presiding over it) and of the agreement made in consequence of it. The Southampton and Dorchester Railway Company had been handed over to the South Western Company in virtue of the conditions of that agreement. The financial difficulties of 1848, at the very moment at which the several Bills passed for executing a direct line through Salisbury and Yeovil to Exeter, rendered it impossible at that time to raise additional money to continue the works on the original lines. Great contentions existed, and considerable dissatisfaction ensued on the part of the pro-

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prietors, and they appointed a committee to consult with the directors and consider what was to be done. I think that occurred in the year 1849. It became indispensable for the security of the company itself to break off and suspend their works, after having expended nearly a million and a half of money. It was considered a very great grievance to be deprived by those proceedings of all the advantages of the money which they had spent. Great Western shares, which in 1845 had been worth 100 *l.* premium, fell to about 50 *l.* discount, and it is only since those shares have resumed something like a par price that the proprietors, from time to time, have agreed to go on partially with continuous parts of the line. It was first opened to Westbury; then they finished it to Frome; afterwards it was finished to Warminster. The proprietors then sanctioned the Radstock Branch to be continued from Frome to Radstock into the coal district. They have since authorised the directors to proceed with the completion of the works of the line to Devizes; and they are also, under the sanction of the proprietors, completing the main line, from Frome to Weymouth, which was the chief object of the original Bill. I cannot conceive any blame to rest fairly on the Great Western Company, or on the Wilts, Somerset, and Weymouth Railway Company, for having been obliged, under those adverse circumstances, to discontinue their works for a time; I believe the whole of the line will still be finished, but gradually. With the experience we have had of attempts made to destroy lines even before they are finished, by diverting from them all the expected traffic to some other railway, the public are not willing to go so deeply into investments since 1846 and 1847, as they previously showed a disposition to do. With respect to the line from Stoke Cannon to Maiden Newton, it is a new line now before Parliament; the application for that Bill has been accelerated by a desire expressed on the part of the Ordnance Department and the Commander-in-Chief to have a continuous line carried on for national purposes from the Wilts, Somerset and Weymouth line towards Exeter. It is the only portion of the south coast of England which has no authorised railway communication, and I believe the directors of the Bristol and Exeter and the Great Western Railway Company would have preferred even to delay the application for that line, until the railways from Frome to Weymouth and from Yeovil to Durston shall be completed; but they felt it their duty to bring the measure forward now that money is more abundant and easy, with the full determination to carry it out with as little delay as possible. I am unable to give any other account of the causes of postponement of the lines referred to in the petitions, than is related in this brief history of the circumstances of the case.

1467. Then, is it your opinion that it will be a great hardship on the Great Western Company that Parliament should sanction a line from Basingstoke and Yeovil to Exeter, after having sanctioned the former lines of the Great Western Company?—I thought it was extremely unwise, as well as unjust, to do so, under the circumstances, admitted by all, that there was no sufficient quantity of traffic for two lines. If that district of country had been a large manufacturing, mineral, or commercial district, which would have remunerated two lines of railway, I conceive that no supposed hardship on the one would prevent Parliament granting a second line against the other. But the circumstances with respect to that district of country were peculiarly severe, because, undoubtedly, the Great Western never would have carried through the Bills for the Wilts, Somerset, and Weymouth Railway, and commenced all the works, or made a very large expenditure on them, if it had not been for the previous declaration and agreement that the South Western Company were not to apply for their rejected lines until the Board of Trade considered it essential for public purposes, and the traffic capable of remunerating a second line.

1468. And this which you consider a hardship, under circumstances of peculiar aggravation, was perpetrated by Parliament at a time not merely of financial prosperity, but at a time of peculiar financial difficulty?—The Bills passed at a time when anybody must have known that they could not be carried out; the result of it has been, that those powers have long since expired, but they have had the effect of preventing even one line being made into that district, while they were in abeyance.

1469. Is not that a striking example of the carelessness which Parliament has shown in former railway legislation, and, therefore, a strong reason why some new arrangement should be made to govern Parliamentary legislation on railways

railways in future?—I think Parliamentary legislation has been in many respects much to be regretted; I must not put it stronger than that.

1470. Mr. *Henley.*] Is it not also a striking instance of how much the Legislature has been apt to disregard what has been done a few Sessions previously?—No doubt that is the case; Parliament does disregard any recommendations or decisions of a former period.

1471. They are pressed by the circumstances that are then immediately brought before them, and do, at the moment, that which it had been considered unwise to do two or three Sessions before?—That has been the case; and Parliament about this very time abandoned one of the most important of all considerations in the inquiry, as I believe, which had previously entered into the consideration of all Committees, namely, whether there be, or not, a sufficient traffic to remunerate a projected line. There was a Standing Order Resolution up to the year 1847, which required Committees to go minutely into questions of sufficiency of traffic, but at the very moment when it became most important to ascertain whether there was or was not any traffic to justify another line of railway, they withdrew that resolution from the inquiry.

1472. Do you see any means by which, supposing amalgamation to take place between two lines in a district presumed to be secured to those two lines, they can be secured against an invasion of that district by Parliament two or three years afterwards, considering it the public interest to grant new lines?—No, there are no means of doing it. Parliament almost always has done so.

1473. *Chairman.*] Then that would be a fatal argument against the division of the country into districts, as has been proposed by some of the former witnesses?—I think so. It is impracticable to carry it out.

1474. Supposing, however, the great lines which effected this competition, namely, the Great Western line and the South Western lines, had been amalgamated with each other, would there, or not, have been this state of things in the district which you consider so disastrous?—If there had been an amalgamation previously to that time, the two companies probably would not have been in conflict about that district. Then it is very likely that neither would their line nor ours have been proposed at all through that district.

1475. Do you think the district is not sufficient to maintain a single line of railway?—I think it is questionable altogether, whether the whole of that district of country will pay even a moderate interest on the outlay for one line of railway. It is a country without any large manufacturing town, there is scarcely a ton of minerals raised in it, and very little commercial traffic; there are miles and miles together from which you can derive nothing to carry but the agricultural produce of the land, and the inhabitants. It is ridiculous to suppose that 200 or 300 miles of railway, such as the petition refers to, can be rendered remunerative, if another more direct line is to cut across it to take away the traffic, by a second scheme containing another 150 miles of railway.

1476. What would have been the effect on the district if any amalgamation between the Great Western and the South Western Railways had been sanctioned before the time when this disastrous state of things arose?—I think if an amalgamation of the companies had taken place previously to 1845, the districts would not have had so extensive an accommodation as was projected by us in 1845. If they had been amalgamated subsequently to 1845, I think those lines would have been carried out very nearly as they were then projected, and without the conflict which subsequently took place to get a more direct line through Salisbury to Exeter. The evidence which was given before those Committees distinctly proved that if Parliament granted those lines through Salisbury and Yeovil to Exeter, it would be impossible to get our shareholders to contribute additional money to carry out the original lines of railway. It therefore became a choice whether the public were then to get a new line by a shorter cut, as between London and Exeter, or whether the country was to be served by the comprehensive schemes of railway which had been recommended by Lord Dalhousie. Parliament granted the new Bill, and all those effects which had been predicted were realised.

1477. Then the result of competition, as regards this Salisbury district, has been, that they have obtained from Parliament a promise of two lines, and they have got neither opened?—Exactly; and the names of some of those petitioners which you have read were the most active promoters of the South Western lines; and the very petition has been got up, as I have been informed, by

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parties who were connected with the South Western schemes, to defeat the Devon and Dorset Railway now before Parliament.

1478. Mr. *Henley*.] You have stated, that the effect of granting a direct second line from London to Exeter was to prevent the Great Western Company from making a cross line from Bath and Bristol to Salisbury, and to Weymouth?—To stop it so long as those powers were in existence.

1479. The two railways being, in point of fact, directly different in their objects; the one being to give a more direct communication to the west of England, but the effect being, by depriving the Great Western Company of certain expected advantages, to prevent them giving cross accommodation to the public?—They were antagonistic lines; Lord Dalhousie's report stated distinctly that those districts would be sufficiently provided with railway accommodation, to be granted in the manner proposed by the Wilts, Somerset, and Weymouth Company, combining in that system the means of communication towards the north and the west, as well as towards the east of England. If it had not been for the Bills granted in 1848, I believe the works on those lines would have gone on, and might have been finished by this time. I believe, eventually, they are likely to be completed.

1480. Now, with reference to Salisbury, supposing that plan had been continued, in what way would the people of Salisbury have got to London?—The people of Salisbury now get to London from Salisbury by Bishop Stoke, by the South Western Railway. There is a continuous line of railway from Salisbury to London, by Bishop Stoke.

1481. Was the railway from Bishop Stoke to Salisbury completed when Lord Dalhousie made his report?—It was, I think, very far advanced.

1482. It was contemplated, then?—It had passed in May 1844. I think it was nearly finished in 1845.

1483. Taking people who live more west of Salisbury, in Dorsetshire, by what route would they have got to London?—From Dorsetshire to London by the Dorchester and Southampton Railway, which had been projected as a railway along the coast by local parties. They applied to the London and South Western Company in the first instance to become lessees of the line, but the London and South Western Company declined to have anything to do with it. Then they came to the Great Western Company, who agreed to become the lessees of that line in connexion with the Wilts, Somerset, and Weymouth Railway down to Weymouth.

1484. The Dorsetshire people would have had to come on the Dorchester line into your cross Weymouth line; is not that so?—No, into the Southampton line. The direct line would have been from Dorchester to Southampton.

1485. You were understood to say that the South Western people declined to have anything to do with it?—Declined to lease it. The line was intended to join their line at Southampton.

1486. And so go on by running powers?—We were to transfer the traffic of that line to them at Southampton, to be carried on to London.

1487. Be it little, or much?—Much or little, whatever it was, that line was transferred by us to the London and South Western Company, as one of the considerations in the agreement that was made.

1488. Then you had made a bargain to take to the line before you made this agreement with the South Western Company?—We had undertaken to lease it, after they refused it.

1489. When you made that bargain, which way did you then contemplate to take that traffic to London?—The traffic would go to Southampton; it could not come to the Great Western line, it would be returning in a wrong direction.

1490. *Chairman*.] You say that this petition was got up by persons interested in the South Western line. I wish to call your attention to one paragraph in the petition: "That objections similar to those above referred to, apply equally to the proceedings of the London and South Western Company in the above district"?—From which petition are you reading?

1491. From the petition of the inhabitants of Wilts, Somerset, and Dorset, the first mentioned to you, and signed by Mr. Harbin, Mr. Bridges, Mr. Parvis, and others, whose names are appended to this document; but they say, "inasmuch as that company is not applying for leave to extend further lines, your petitioners abstain from going into any details with reference to their proceedings." They object, therefore, to the South Western equally, on the face of the petition?—They

—They are nevertheless parties who were connected with the South Western central lines, to which I alluded. I do not mean the London and South Western Company themselves, but individuals connected with the London and South Western central scheme are the parties promoting these petitions.

1492. Is it your opinion that it would be much better for the district, if that agreement which was made between you and the South Western Company, instead of being broken as you say by the South Western Company, that that bargain, ratified by Parliament, had been faithfully and punctually observed?—I think so, for the reasons I have given; the inhabitants have got neither the one railway nor the other at the present moment; I believe they would have had one already, certainly, constructed. The completion of that railway is retarded, although I believe it will be made, and I ascribe it to the anxiety to have two lines.

1493. Then the ratification by Parliament of that arrangement between the two companies would have been a public good to the district now in question?—We never sought for a ratification of it by Parliament.

1494. But if ratified by Parliament?—If Parliament had refused that central line from Salisbury and Yeovil to Exeter, it would have been a benefit to the district.

1495. In your opinion, would it not have been better if Parliament had consulted the interests of the people in that district, by ratifying and rendering permanent that agreement between you and the South Western Company, rather than sanctioning the breach of it?—I think it would.

1496. Mr. *Bright.*] Explain what that agreement was; was it between your company and the South Western Company, without the cognizance or recommendation of the Board of Trade; was it written and signed, properly defined and agreed to; or was it merely an understanding?—No, it was an agreement proposed and drawn up under very peculiar circumstances. The Report of the Board of Trade was issued very early in January 1845. One of the three members of the Board of Trade reporting upon it, suggested that the department considered it to be an advantage, instead of contesting the Report, if the three companies who were interested in it could come to some agreement among themselves to give effect to it. He represented that the Railway Department of the Board of Trade would be prepared to give their sanction to such an agreement, and they would take on themselves any duties that might devolve upon them under that agreement. With regard to the circumstances of the proposal made to the three companies, the agreement was drawn up, and placed in the hands of the London and South Western Company, the Great Western Company, and the Southampton and Dorchester Railway Company, and after a negotiation between deputations from each it was ratified. It was approved by the proprietors of the three companies at general meetings, signed and sent to the Board of Trade, and deposited with them.

1497. When these people came before Parliament with their opposition line, which they had agreed not to make, was it the same party who came before Parliament as the South Western, or not the same party?—The same parties connected locally with the South Western came forward for those lines, and in the meantime the Railway Department of the Board of Trade had vanished. The system of reporting upon lines had been given up, and the Board of Trade refused to take any further part in the squabbles between companies, as they termed them.

1498. Did the Great Western Company oppose that Bill before the Committee?—Yes, they did.

1499. Did you make a great point of that agreement?—We did.

1500. Was a copy of the agreement placed before the Committee?—Yes, we proved it by witnesses, and stated all the circumstances relating to it; but the Committee refused to be bound by agreements between the companies, expressing an opinion that their province was to determine whether the line ought or ought not to be granted, irrespective of all arrangements previously made.

1501. Had that agreement any limitation as to time?—The period at which any new line was to be made through that district was to be governed entirely by the opinion of the Board of Trade as to the necessity of such a line, under an altered state of circumstances.

1502. Can you put in a copy of that agreement?—Yes.

1503. Mr. *E. Denison.*] You have stated that in a district where it is very doubtful whether a single line would pay, by the decisions of Parliament, it is

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likely that two lines will ultimately be formed?—I stated that Parliament have granted two lines of railway through a district where the Board of Trade declared that one line only could be remunerative upon the expenditure or outlay of capital.

1504. Is it your opinion that it is doubtful whether a single line will pay the shareholders?—Yes, it goes to that extent; I have expressed a doubt whether the district will remunerate even one line of railway.

1505. The decisions of Parliament have given two lines into a district, where you think it doubtful whether one line will get remunerated?—Yes.

1506. Now, when those two lines are completed, will not the result be, that the public will have ultimately to pay more for their accommodation than if one line had been made?—I do not think so. I never can understand why the public should pay more because two lines are made, excepting in the increased extent of traffic which two lines may obtain in lieu of one, because the rates themselves are not charged according to the cost of the line. The rates would probably be the same, and imposed in the manner to produce the largest net revenue. If you expend 200,000 *l.* where 100,000 *l.* would be enough, it does not follow that the 200,000 *l.* will produce a larger revenue by means of higher rates. You may get a larger return even from lower rates; and I do not believe that the net revenue (I may be mistaken) will be increased, merely as the consequence of a greater expenditure of capital in the first outlay.

1507. In such a district as you have been speaking of, where the population is thin, and the traffic is small, and it is doubtful whether it will pay a single line, when two lines from bad judgment have been formed, if they were to combine, and ultimately settle the traffic between them, is it not reasonable to expect, and likely to happen, that the public will have to pay for the increased outlay that has been made for their accommodation?—No, they will probably pay more under a combination than under competition; but I do not see why they are to pay more merely because the expenditure has been large.

1508. At all events, it will be an object with these companies to get some return, if possible, for their very largely increased outlay?—But it is the object of every railway company to get the largest profit they can, whether they have expended much or little. The question really is, how to get the largest net income? The only consideration directors and others have to aim at for the proprietors is the mode by which they may get the greatest amount of net proceeds. The Great Western has cost 10,000,000 *l.*; the directors would have been just as anxious, if it only cost 5,000,000 *l.* instead of 10,000,000 *l.*, to obtain the largest return they could for their proprietors. The expenditure of the 10,000,000 *l.* may enable them to get more traffic on it by extensions or branches, or improvements, and to that extent a greater expenditure may secure a greater receipt for the services performed, but not because they have expended the money. I have never yet been able to understand, although I have often heard it insinuated, why you are likely, because you spend more money, to get more return for it out of the public, unless from an increased service.

1509. Mr. *Henley.*] Do you always charge the public within your maximum rates as much as you think the public will pay without lessening your own traffic?—We always charge in the proportion by which we believe that we can put the net proceeds into the pockets of our proprietors to the largest amount, and we shall always continue to do so. There can be no other object but that of getting the best return we can for the investment, whatever the expenditure may have been.

1510. Mr. *Denison.*] Looking back to the legislation which has taken place on this district, do you think it has been a judicious legislation?—I think it was very injudicious, if it is not presumption so to speak of the Legislature before one of its Committees.

1511. As Committees are now constituted, it is rather the result of the opinion of some five individuals composing the Committee, than the opinion of Parliament, whether one line or another ought to be granted?—It is very much so, of necessity.

1512. There is no leading principle laid down by Parliament to control, or rather to guide the decisions of these Committees?—No, there is none of which I am aware; and any effort to guide Committees has generally failed in its object.

1513. But if some judicious system of guidance and control could be established, do you not think, looking at the legislation with regard to this district, that

that that would be useful?—I think anything that can be of real assistance to Parliament in determining great principles would be desirable; but, on the other hand, I do not know how any Board or authority can be brought to form a correct judgment upon all the circumstances relating to railway legislation, unless they can call before them witnesses, and, with the assistance of counsel, have the whole matter in dispute thoroughly and openly sifted in the presence of both parties. I have seen a great deal of the serious mischief arising from Boards of the Government listening to the views, reports, and opinions of parties separately, and forming a conclusion upon such representations. Until they are brought face to face, it is impossible that any tribunal can obtain a correct view of the whole question. It was remarkably so with regard to the reports of the Board of Trade in 1845. Nobody could have taken more pains, or more faithfully and honestly performed his duty, than Lord Dalhousie did on that occasion; but it was impossible they could correctly ascertain the facts, and the consequence was, that in almost every Report there was some leading argument or conclusion arrived at on grounds which proved to be incorrect. When the reports came to be carefully sifted before the Committees on the Bills, where there was an opposition, those very inaccuracies of fact or mistakes induced the Committees to consider that the decision of the Board of Trade could not be right, and prompted them to reverse it. The case of the Oxford, Worcester, and Wolverhampton Railway was a signal instance of that result, arising from the Board of Trade having been misinformed of many facts referred to in their Report.

1514. Now, referring to the district of which we have been speaking, was the general view of the Board of Trade, or the separate views taken by different Committees of the House of Commons, really the most judicious for railway companies and for the public?—I thought Lord Dalhousie's Report was a very judicious one. I believe it was one of the best Reports made by the Railway Department. The South Western Company and the Great Western Company, who were in antagonism with each other, agreed to be bound upon the very basis of that Report; and it was a great misfortune, as I conceive, that Parliament sanctioned in 1848 lines which were reported against by the Board of Trade in 1845, and which could not be remunerative.

1515. Then the existing system, and the general principle of competition, have not turned out very successful in the case of this particular district?—No; I think competition is inapplicable under the circumstances of Parliament granting two lines, which cannot both be supported, even before one of them is made and brought into use.

1516. Mr. *Laffan.*] Suppose the direct line of the South Western Company to Yeovil, and all the lines granted by Parliament, to be completed, and the companies then amalgamate, or enter into a working arrangement with each other, which answers the purpose of amalgamation, what would be the effect of the amalgamation on the district; would that amalgamation necessarily lead the companies to improve their interest by raising the fares?—I do not know that they would accomplish that by raising the fares, because the fares would be rather determined by the capability of the district to afford them, by securing the utmost amount of traffic over them; but if more railways be made than the traffic will pay for the proper working of them, the effect must be, either to abandon working some portion of the lines, or to work them with so few trains as, practically, to diminish the accommodation that any one line would give, in the proportion in which two are granted, without the means of remuneration.

1517. Would not the effect of the amalgamation be to cause the united undertaking to be one for all purposes for which the Committee are considering it now?—That would be the effect.

1518. In the case of a large undertaking, having many branches, and going into a poor district, would not the natural policy of the company lead the directors to develope the resources of that district, so as to obtain work for their stock, without which economy is impossible?—The directors would endeavour to develope the traffic, but that must depend on what those resources were capable of giving. You might have six trains a day passing from Chippenham to Weymouth and back, carrying in those trains passengers wishing to travel towards the North, as well as towards Bristol and London, supposing there was no second line by which such passengers could be taken away from it; but if another line, granted across the country, of a more direct character, were to divert a great portion of those passengers, (the expense being about the same for

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for the train, whether you carry many passengers or few), you would probably have to diminish the accommodation in number of trains in a greater degree, having two lines to divide the traffic, than if there was only one. Every train moving upon the line has to defray the expense of the locomotive power, carriages, and guards. If you split a traffic barely sufficient to pay the trains on one line, companies cannot afford to carry on the traffic of the two lines with the same amount of accommodation as one would give if there were only one railway for both purposes.

1519. The question did not have reference to the policy of making two lines, but where two lines are made, and how you are to make the best of existing things to return your income; would it not be the policy of the united companies to work both lines at the lowest remunerative charge, to obtain the greatest quantity of work on their lines, and obtain full work for their stock, for without full work, economy is impossible?—That mode which would give the utmost profit would be resorted to; I do not know that the lowest rates would in all instances give the greatest profit.

1520. In going into a rich district, where you have a large undertaking, and where the traffic flowing to you tends rather to overtax your stock and to call for an increase of your stock rather than to leave any part of it idle, would not the effect of that state of things be, to make the directors or the company regardless of the less remunerative part of the traffic, and not develope it?—No doubt that would be so; if there is a sufficiency of the more remunerative traffic in any district, the company would be comparatively regardless of the less remunerative traffic.

1521. Is not the conclusion to be drawn from that, that the circumstance of a great undertaking existing in a poor district, is essentially different from the condition of things where a large undertaking passes through a rich district?—The circumstances are perfectly different.

1522. And the effect of amalgamation between two companies, passing through a rich district, where the traffic is enough for both, is entirely different from the circumstances attending the amalgamation of two lines passing through a district where the traffic is scarcely enough for one?—I think essentially different.

1523. *Chairman.*] If it be upon record that in the populous districts of Lancashire and Yorkshire, combination has usually been the rule, is it not to be inferred from that, that combination takes place now in those districts where it is least conducive to the advantage of the public?—Yes, I think combinations are more objectionable in populous districts than in those where there is, comparatively, little traffic to compete for.

1524. Mr. *Henley.*] Supposing for a moment that amalgamation was permitted, do you think it would be likely that Parliament would be able to secure a district to these amalgamated companies?—Judging from all past experience, I think Parliament never can or will secure the monopoly of any district to any company.

1525. Not being able, in your judgment, to secure a monopoly, what conditions do you think it would be fair and just for Parliament to impose on these amalgamated companies, as the price for the permission of the amalgamation?—I do not know of any conditions that can be imposed on companies to be amalgamated, which will, in effect, give any security to the public, in consequence of the amalgamation; I believe the revision of tolls to be quite imaginary as a security.

1526. Do you think it will not be right for Parliament to impose any conditions on the railways, or that the railways will be likely to agree to any conditions as the price of amalgamation?—No; I think that it would not be fair or right to impose any such conditions. I do not know why railway companies should agree to conditions, for which they cannot hereafter obtain the price or consideration promised to them.

1527. It has been stated in this room, by some of the witnesses, that they think a maximum dividend, say 6 or 7 per cent., would be one just condition that Parliament may impose; do you agree to that, or not?—I should be very indifferent to such a condition, being quite sure it will produce no security. If railways gave 7 per cent. on their expenditure, there would be means found for enlarging the capital to continue getting the 7 per cent. on additional outlay, and a reduction of the tolls would be imaginary.

1528. You are of opinion that a reduction of the tolls would be illusive and imaginary?—I think so.

1529. You have heard it stated in this room, that in the event of an amalgamation, and the companies discontinuing trains, either wholly or in part, to the inconvenience

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inconvenience of the public, that there would be a security in giving a reference to some public authority; do you agree or not with that?—I think there would be no advantage whatever obtained by that delegation of authority to a public Board.

1530. Do you think the public would be secured by any such contrivance in getting the amount of accommodation that they required?—No; nothing so likely as competition to do that.

1531. Not in your judgment?—Not in my judgment. I am speaking, of course, my own opinion only.

1532. Do you think it will be fair or just for Parliament to impose, or ask, any terms from the railway companies, as to the amount of dividend, or any restriction on those powers which they now possess, as the price of amalgamation?—No, I think not.

1533. *Chairman.*] With reference to the break of station at Reading, there are two stations, and it is said, from their not being together, there is great difficulty with regard to the transit of goods from the broad gauge system to the other railway; what is the objection to a junction between the two companies at Reading?—We have ourselves a Bill before Parliament for bringing our line of rails into immediate contiguity with the South Eastern Railway station at Reading. It is considered that that extension of our line will be the best mode of effecting all that will be required.

1534. Is it your intention that there should be a joint station?—No, not a joint station. I do not think a joint station can be made there.

1535. Do you contemplate making such an arrangement as will obviate the necessity of carting?—Such an arrangement may be made as will enable passengers and goods to be transmitted from one gauge to the other with the least inconvenience.

1536. Without the necessity of carting?—Yes; we have a Bill before Parliament for that purpose.

George Mellish, Esq., called in; and Examined.

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1537. *Chairman.*] ARE you a Barrister?—Yes.

1538. Do you offer yourself as a witness to-day for the purpose of representing the interests of the Grand Junction Canal Company?—I have been a director of the Grand Junction Canal Company for 10 years longer than any other member of the direction.

1539. State to the Committee the views which that experience has enabled you to form upon the subject of the amalgamation of canals with railways?—I think that the canal companies which have not been joined to railways find their traffic inconvenienced and injured by the high rates on canals which have been allowed to be joined to railways and amalgamated with them.

1540. Can you give instances in which that cause operates to the detriment of the Grand Junction Canal Company?—I believe the Grand Junction Canal Company are now the largest carriers by canal of any canal company or any private trader. Formerly the traffic by canal was entirely conducted by private carriers, and canal companies themselves did not carry. In the year 1847 the canal companies were generally afraid that the carriers would leave the canals. The London and North Western Company had, at that time, turned the carriers off their line, and the most important of them, the Messrs. Pickford, had left the canals, and it was generally supposed that the carriers would not remain for any length of time on the canals. Some most important traffic, particularly between London and Manchester, had been given up by the carriers altogether; and, under those circumstances, the Grand Junction determined to carry themselves. They entered into negotiation with other independent canals, asking them to share in the starting a carrying establishment. They all refused; and the Grand Junction Canal Company thereupon required to be secured as to the rates which the other canals would charge them, before they entered upon a carrying establishment; and they accordingly made agreements with almost all the independent canals over which they would travel: the Oxford Canal, the Warwick and Birmingham, and the Warwick and Napton Canals, which bring them to Birmingham; the Oxford Canal, and the Coventry Canal, which bring them as far as the junction with the Trent and Mersey, towards the Potteries, and towards Manchester, and with the Union, and Grand Union, and Leicester Navigation, which brings them towards

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towards Derby and Nottingham. But they could enter into no agreement with the Trent and Mersey Canal, which forms the junction from the Coventry Canal up to the Bridgwater Canal, which is on the road to Manchester and Liverpool, and is amalgamated with the North Staffordshire, or with the Birmingham Canal, which are the red lines of canals denoted on the map just beyond Birmingham. They could get as far as Birmingham, but not beyond it. We have carried on the trade for four or five years, and we find the result to be, that we have succeeded completely in keeping the traffic on the canal; and, if I may be allowed, I would hand in a statement of the number of tons which are now actually carried on the Grand Junction Canal, distinguishing the thoroughfare trade, that is, the trade carried the whole length of the canal, from the local trade. I have gone back as far as 20 years, to show what used to be the traffic before the railroad commenced; and I think that very important, because there is a general idea in the public mind, and it was generally stated by the witnesses who were examined before the Committee in 1846, that it was quite impossible for any of the canals successfully to compete with the railways. It was supposed that the effect of the competition would be, that their trade would gradually leave them, but the result at present is, as far as the quantity of trade conveyed for the public, that we now convey more trade than we did before any of the railways began to be formed. In the year 1833, which was the year the London and Birmingham Act was passed, we carried thoroughfare trade 186,029 tons, and in 1852, 228,935 tons. On our local trade we carried, in the year 1833, 522,228 tons, and in 1852, 915,644 tons. Taking both together, in the year 1833, we carried 708,257 tons, and in the year 1852, 1,144,579 tons. By way of comparison, to show how large this trade is, compared with the trade which is now carried by the railways, I find in the last report, which was issued a few days ago by the London and North Western Railway, they give an account of the number of tons carried by them; and it appears that in the year 1852, which is the same year as the last year I have spoken of, they carried 2,235,575 tons of general merchandize and 1,162,847 tons of coal, making together 3,398,622 tons.

1541. Mr. *Patten.*] Does your return distinguish coal from the general merchandize?—It does not. The 3,398,622 tons just alluded to were carried on 639 miles of railroad; our distance being 135 miles of canal; so that while they have about five times the number of miles of railroad to what we have of canal, their quantity of goods carried is only about three times the amount of the tons which we carried on our canal.

1542. Mr. *Henley.*] Could you put in the different rates of freight charged in 1833 and 1852?—I will explain the rates; our tolls charged in the year 1833 were as high for the whole length of the canal as from 5*s.* to 16*s.* 10$\frac{3}{4}$*d.* per ton. Now upon what we carry ourselves, which is the greater part, or about three-fourths of the thoroughfare tonnage, we of course do not receive any toll at all; we may as a matter of account charge a toll against ourselves, but that is in fact a nominal thing, because we may make the toll, or we may not make it; but looking not at the toll charged, but at the profit we make from the carrying, we find that we cannot now make a profit of a halfpenny per ton per mile; our profits amount on the average to about three-eighths of a penny per ton per mile.

1543. What proportion does that three-eighths of a penny per ton per mile bear to the profit you made in 1833?—In 1833 we used to make about 12*s.* 10*d.* a ton, on the average.

1544. On the whole canal?—Yes. Now the profit of carrying the whole length of the canal of 101 miles is 3*s.* per ton.

1545. Mr. *Patten.*] Was the 16*s.* the net profit?—That was the gross charge we made to the public. We had, however, to pay for repairs of the canal, and so we have now to pay for the repairs of the canal out of the 3*s.*; the consequence has been that our dividends have been reduced from 13 per cent. to 3 per cent. In the last year, from some increase in trade, and economy, we have been able to raise them again to 4.

1546. Do you charge a toll from one end of your line to the other?—Yes.

1547. How are your tolls as compared with what they were formerly?—Our tolls have been varied. The thoroughfare tolls are now partly a halfpenny a ton per mile, and partly a farthing a ton per mile. After starting the carrying establishment we raised our tolls, and we have now lowered them again; when the trade is carried by the company itself, there are, in fact, no tolls paid.

1548. Mr.

1548. Mr. *Bright.*] When you say that the impression that prevailed has not turned out to be correct, that the railways would withdraw the traffic from the canals; do you mean to say, by the great diminution of your tolls, and the consequent diminution of the dividends on the canal, you have been able to sustain your competition without the destruction of your property?—Yes.

1549. Still you have fallen from 13 to 3 per cent. on the same amount of capital?—Yes.

1550. What was the market price of your shares in 1833, and what are they now?—They were about 250 *l.* a share, and they have fallen to below 50 *l.*

1551. Are they below 50 *l.* now?—No, they are now between 60 *l.* and 70 *l.*

1552. What is par price?—100 *l.*

1553. *Chairman.*] When you speak of par price being 100 *l.*, that was the actual par price, and no subsequent issue of shares?—Yes.

1554. Either at a premium or discount?—No; canal companies did rather the contrary of what railways do in these days; canals bought up their shares, and diminished their capital; and there was a reduction of the capital, not to any large amount, by buying up the shares of the company.

1555. So that each 100 *l.* share represented more than 100 *l.* of the original capital?—In so far that the revenue of the company, to some extent, had been expended in purchasing the company's shares.

1556. Mr. *Henley.*] With regard to one-fourth of the traffic, which you said you did not carry yourselves, what is the toll which you charge for that?—It varies from 1*s.* 8*d.* to a halfpenny a ton a mile.

1557. What proportion does that bear to the 16*s.* which you used to charge in 1833?—A halfpenny a ton a mile is about a fourth of it; about 4 against 16.

1558. Do you make any difference in your rate of charge, as to what canals, or otherwise, the goods may come from on to your canal; or is it uniform to all persons?—Our tolls have been very much changed; at the present there is no difference; for many years we charged the goods that came in at Braunston, from the Birmingham and Coventry lines, higher than those that came in from the Leicester lines of canal.

1559. Is that so at present?—No.

1560. What is the maximum rate of toll which you can charge on your canal?—We can charge up to about 2 *d.* per ton per mile, on merchandize.

1561. And you are charging now about a halfpenny?—Yes.

1562. *Chairman.*] Explain to the Committee what effect you anticipate will be produced upon your interest in the Grand Junction Canal, by the amalgamation, if it should be permitted, of the lines of canal north of you with the London and North Western, or any other railway company?—I do not apprehend there will be any amalgamation, to any considerable extent, of canals that are now independent. But we have suffered considerably from those that have already been amalgamated. The difference is this, that while by the agreement we have made with the other independent canals, with the single exception of five miles of the Oxford Canal, on a branch of the Oxford Canal from Braunston to the Warwick and Napton, where we pay 1 *d.* per ton per mile, the maximum rates we pay other canals are one halfpenny per ton per mile, while on the Trent and Mersey Canal, which is now sold to the North Staffordshire Railway, and is proposed to be further sold to the London and North Western Company, on earthenware, which is the great trade of the district through the Potteries, we have to pay 1½ *d.* per ton per mile, and on goods 1 *d.* per ton per mile, and we conceive that it is those high charges which prevent our making the profit of a halfpenny per ton per mile on our trade. Our rates of freight are limited by the railroad rates. A canal that carries for the public must charge something lower than the railways to make up for the deficiency in speed. We find that with the present rates of freight we can make a profit of about a halfpenny per ton per mile, so that we could afford to pay the canals we traverse over, speaking on an average, about a halfpenny per ton per mile, and have a halfpenny per ton per mile on our own canal for carrying the goods. But from having to pay the canals which are leased to railways, in many instances, a larger sum than a halfpenny per ton per mile, amounting, in some instances, to more than we get from the public for the whole carriage, we are unable to make that profit.

1563. Then, according to your statement, it would appear that the charge levied on the Trent and Mersey, being sufficient to exhaust both that which your own experience shows to be the maximum toll that can be charged by a canal,

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a canal, that is a halfpenny a ton, and, also, the maximum carriers' profit, which you have described as being another halfpenny, must have the effect of shutting traffic entirely away from the canals, if it were to be established as a through rate between London and Manchester?—If the toll on the Trent and Mersey were established as a through rate between London and the Potteries, it would perfectly shut out that trade from the canals. It would amount to as much as we get for the entire sum, in many instances, from the public for carrying. But their tolls are very capriciously rated by Parliament. When we carry the whole length of 67 miles, to the Bridgwater Canal, we are charged only a halfpenny per ton per mile. That we do not complain of. But when we go only a portion of the length of the canal, when we go 34 miles, to the Potteries, then they charge 1 ½ *d.* per ton per mile on earthenware, and 1 *d.* per ton per mile on goods.

1564. Does that mean Manchester goods?—Goods of every description; goods and earthenware; and they levy that on some descriptions of goods which ought to be carried at a very low toll—such articles as flints. The nature of our trade with the Potteries is this: that we bring up a large quantity of general pottery ware from the Potteries to London, and we carry back general merchandize; and if we cannot fill our boats with that, we carry back flints, Now that is a trade which can only be carried on at a very low rate, and we only get 10 *s.* a ton for carrying it from London to the Potteries, a rate rather less than between a halfpenny and three farthings per ton per mile. Out of that we have to pay tonnage to the various canals and our expenses. Then, when we come on to the Trent and Mersey, we are charged 1 *d.* toll upon that trade, being more than the sum we are paid.

1565. Are those the maximum rates which the Trent and Mersey are entitled by Act of Parliament to charge?—Yes.

1566. Does your experience enable you to state with confidence if the Trent and Mersey, instead of having an interest in combination with a railway company, were purely a separate interest, a canal interest, whether they would be likely to charge their maximum rates, or to make a reduction from those rates for the purpose of increasing the amount of their traffic?—I think there cannot be a doubt they would have been compelled to reduce their tolls if they had not been joined to a railroad. In 1847, and subsequent years, they would have been in the same position as other independent canals, and they must have agreed with the Grand Junction Canal, and bound themselves to low rates of tonnage, or else have started a carrying establishment of their own; and in either case they would not have been able to obtain those high rates of tonnage.

1567. Is it your opinion that the union of a canal, or even a link in the chain of canal communication, with a railway company, is likely to be a formidable weapon in the hands of a railway company, to be exercised by them against their competitors, the canals?—Yes, and it is certain to be so exercised, if they are allowed to charge such rates as will enable them to exercise it.

1568. Then what is the remedy you wish to suggest to Parliament, for the purpose of securing freedom of competition to canals?—The remedy I suggest is, that their tolls, in all instances, should not be allowed to be higher than the tolls charged on independent canals. I do not think it is possible you can settle fairly what shall be the actual rate to be charged in all instances. Even the toll of a halfpenny a ton per mile for the whole length, which I allow, under present circumstances, is a reasonable toll, and which we cannot expect to be reduced, would, under other circumstances, become extremely high and prohibitory; if, for instance, a competition arose between the two great railways, the Great Western and the London and North Western, no one can see the extent to which they may lower the rates to the public. If they make a reduction of that kind, the canals have no mode of meeting it, except by a reduction of their tolls; and the independent canals over which we traverse would be compelled to reduce their tolls, because we should say to them, "we will withdraw our boats if you do not." Under those circumstances, unless the canals which are sold to railways are obliged to reduce their rates also, their rates, even although moderate, under present circumstances, would become prohibitory; therefore, unless there is some plan by which those rates may be made to vary according to circumstances, I do not think the canals can be sufficiently protected.

1569. Do you not think it might suit the purpose of a railway company to carry, for a short period, at very low rates, or almost at no rates, while, in the meantime,

meantime, your stock of horses would be producing a very great expense to you, and you might be compelled to withdraw them; and then when you had withdrawn your stock, the railway company might raise its price again, and it would be a long time before anybody else would have the courage to buy a new stock of horses, and carry on the traffic of the canals?—No doubt of it; and when the trade is once entirely gone, and the public have got in the habit of using another mode of conveyance, and of having their goods carried quickly, it is difficult to get it back again.

1570. How would you deal with this case, which is rather an argument on the other side: you are carriers over the canal, and make your profit, not so much as its owners, but as carriers; suppose there were a law passed, by which every canal was simply bound to charge as low a rate of toll as you charged, you might fix your nominal toll at the smallest conceivable fraction of a 1*d.*, and compel the Trent and Mersey Canal to charge you only at the same toll, while, in reality, the profit to be made by you would not be the toll owners' profit, but the carriers' profit?—It would then be open to anybody else to carry; we could not sustain our freights if the tolls were so low; it would be open to them, or anybody else.

1571. But, practically speaking, three-fourths of the whole amount of carriage being already in your hands, you would not be much afraid of competition?—There are two independent canals between us and the Trent and Mersey, the Oxford Canal, and the Coventry Canal. It would not be for the interest of those canals, not being carriers at all, but simply receiving tolls from us, to lower their rates below what they could really get.

1572. The objection suggested may be a remote one in point of time, as regards the present state of existing interests in trade; but is it not a difficulty which might very naturally arise, if an Act of Parliament were to be passed for all future time, simply in the terms which you have recommended?—I should not object to a control being given to the Board of Trade, or any competent body, if the power was abused, and the rates lowered under circumstances when it was not necessary for the purpose of keeping the trade on the canal.

1573. In short, if the grievances which you have suggested to the Committee were made to be dependent on the finding of a justly constituted Board of arbitrators, you would be satisfied?—If it was a Board which would really attend when the questions were brought before it. There is no doubt that what may be said to be a self-acting machinery, is much more convenient than any you have to go to. It is difficult to get Boards to act hostilely against the railroads, or any great companies.

1574. The question did not refer to a Government Board, but to a machinery which might have the power of entering into disputes locally, hearing both parties, and receiving any testimony, on either side, which they thought proper?—I do not wish, under any circumstances, that those canals which are sold to railroads should be brought below what is charged by canals not sold to railways. All I think is, that the London and North Western cannot lightly be trusted with the power of fixing the toll to be charged on a link of between 60 and 70 miles, coming in the middle of the road between London and Manchester. The independent canals, I think, to a great extent, can be trusted with it, because they will use it for the purpose, generally speaking, of keeping the trade on the canals; but, certainly, it may be possible that the power of the independent canals to reduce the tolls on the canals sold to railways, by reducing their own, may be the subject of abuse, and if it were abused, I should not object to a railroad company having the power of appealing to any competent Board, or tribunal, against the reduction. But I should prefer that *primâ facie* when the other canals are reduced, they should be obliged to reduce also.

1575. Mr. *Henley*.] Can you state the date at which the Trent and Mersey Canal became amalgamated with the railway with which it is now amalgamated?—I think it was in the year 1847.

1576. What were the charges of the Trent and Mersey Canal antecedent to the amalgamation?—I believe that Parliament enacted, as the maximum rates of charge, the then existing charges. I think they could not have raised their charges. Their charges were revised, and the principle on which they were revised was, that Parliament fixed, as the maximum rates, the rates they were then charging.

1577. As safeguards to the amalgamation?—Yes.

1578. You have stated that you are of opinion there ought to be power given,

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in the event of one part of a line of canal reducing its fares to a given price, of compelling others in the same line to reduce to the same amount?—That the canals which are amalgamated with railroads should be reduced to the same average rates as are charged by the canals not amalgamated with railroads.

1579. Do you apply that to independent branches of canals, as well as those amalgamated with railways?—No, I apply it merely to those amalgamated with railways. I consider that canals not amalgamated with railways will exercise the power of fixing their tolls with a view to the canal interests, and with a view to promoting trade on the canals, but the canals amalgamated with the railroads will not so exercise it.

1580. You would make no allowance, in that case, for the special circumstances that may attend the canal, as to the local trade on it being sufficiently remunerative to the promoters of that canal; but you think that the tolls ought to be kept down, solely to secure the through traffic from other canals?—I do not apply the observations I have made to local traffic at all; I do not propose to interfere with local traffic; I only apply it to the trade passing from one canal on to another.

1581. Do you think it right to charge one rate of tolls for the through traffic and another for the local traffic?—Yes, I think the local traffic is regulated by many local circumstances.

1582. And you would not wish to interfere with that?—I would not. As representing another canal, I am not interested in that; how far it may be necessary for the public interest, as regards the local traffic, is another circumstance altogether.

1583. Supposing a canal to have a difficulty as to the water at its summit level, and that water was obliged to be supplied at a very considerable cost and expense, do you think it is just to compel that canal to lower its rates, for the sake of bringing traffic on it, for the convenience of some other connecting link of canals, to rates which would not remunerate it for that expense?—No; not if it would not remunerate it. It is difficult to lay down a rule to which there may not be special circumstances connected with a particular canal, which would justify a partial exception. I do not think any canal sold to a railway should be allowed to charge a rate that makes it impossible for another canal to navigate over it; because, if it were not so amalgamated, it would never charge rates that would have the effect of practically preventing trade coming on it; and if such a rate is charged, it shows that it is charged, not for the purpose of getting the profit of working the canal, but to prevent trade coming on the canal.

1584. Do you think that might be safely left to a Board of arbitration?—I think it might; there is a difficulty in fixing on a Board of arbitration.

1585. *Chairman.*] Are there any other matters you wish to bring under the notice of the Committee?—There are other canals from which we suffer besides the Trent and Mersey. We suffer very considerably from the high rates on the Birmingham Canal, which is under the control of the London and North Western. We pay for iron on other canals, such as the Warwick and Birmingham, and Warwick and Napton, less than a halfpenny per ton per mile; but when we get on the Birmingham Canal it is three halfpence a ton per mile, till it reaches 1*s.* 8½*d.*, the charge being a gross charge. It varies from a penny to three halfpence a ton per mile, while we get little more than a penny per ton per mile for freight, out of which we have to pay the tonnages of the canals, and all the expenses of carriage, which we consider an exorbitant rate for a canal to charge.

1586. Mr. *Henley.*] Did that difference as to short distances paying a higher charge, till it came to 1*s.* 8*d.* a mile, exist before the amalgamation?—Yes. I do not think I can say, generally speaking, that the rates have been raised in consequence of the amalgamations. Parliament generally adopted the principle of making the rates they found existing the maximum rates.

1587. Did not that system of charging the higher price for a short distance arise from some local circumstances, expense of locks, or otherwise, which it was necessary that the short distance should bear?—I do not think that could be objected to where it is carried to a moderate extent. It may be reasonable where there is a local traffic.

1588. *Chairman.*] Or where the locks happen to be more?—Yes; but I do not think it should be carried to the extent of making it impossible to carry over that part of the canal with a profit.

1589. Although Parliament fixed as the maximum the tolls they then happened

pened to be charging, they did not require the canals to keep up their charges, so as to prevent a reduction by the railways, and thereby discourage competition by water?—They did not. There is a large proportion of traffic which the railways carry at extremely low rates for long distances, such as coal and slates. They carry slates the whole way, from Bangor to London, at rates of a halfpenny per ton per mile, including the locomotive power. The distance by railroad being universally shorter than by canal, it is obvious that a canal cannot carry on competition with such rates, unless the tonnages are extremely low indeed. A halfpenny, or even a farthing per ton per mile is too high to enable the canal to carry on competition with the railroads, where the railroads are carrying at a halfpenny a ton a mile, including locomotive power. On the coal that comes to London we charge for toll half a farthing per ton per mile. All such traffic is prevented passing at all, where you come into those lines of canal which are sold to, or amalgamated with, the railways.

1590. Are not the articles which would naturally go by canal, those which do not require speed, and on which, therefore, the charges on railways, in order to compete with the canals, will be very low?—Yes, that is so generally; yet you find, in practice, the railroads compete for the heavy traffic quite as much as the light traffic; they carry heavy traffic, generally speaking, at low rates.

1591. Mr. *Henley*.] You have stated that you are carriers yourselves on your own line?—Yes.

1592. You have stated in evidence, that it is hardly possible for you to give the separate amount of toll and freight that you receive, because you receive it in a gross sum; you can only state the net profit?—The net profit by carrying.

1593. Does that include the tolls?—We receive no tolls on our own canal.

1594. But does not what you receive include that which would be charged as toll to other persons?—Yes.

1595. Be it more or less?—I mean that the net balance we receive, not deducting the repairs of the canal, but deducting our costs of conveyance and the tolls paid to other canals, amounts to considerably less than a halfpenny per ton per mile on our own canal. That is, in fact, the profits we receive in lieu of tolls; it has to supply the place of tolls.

1596. About one-fourth of the traffic on your canal is carried by independent carriers?—There is one carrier only who carries general goods. The trade which remains, not carried by us, is usually a heavy trade, which is carried, not by general carriers, but carried by men who own a boat and a horse. They come with a particular cargo, but are not general traders on a large scale. That, no doubt, is a very cheap mode of carrying very heavy traffic.

1597. Did you not say that one-fourth of the whole of your traffic was not carried by yourselves?—Yes, of the through traffic. By far the larger proportion of local traffic is also carried by other persons. We only carry, generally speaking, that traffic which competes with the railroads, but that portion of our traffic for which the railroads do not compete, we leave in the hands of other persons.

1598. But some portion of that fourth part of your traffic, and the larger part of your local traffic, may, possibly, pass from your canal on to other canals?—Yes.

1599. Now do you think it unreasonable, you seeking for this power over canals amalgamated with railways, that some power should be constituted to see whether the amount of toll, which you charge to parties using your canal as independent persons, is not fixed too high in reference to that portion of the earnings which you derive from yourselves as toll?—I should not object to their being lowered very considerably below our Parliamentary rates; but I could not undertake to say that the company would consent to have them fixed at the low rates they now are. I think it is difficult to foresee what rates it may ultimately be reasonable to charge. Although it is possible, from the competition of railways, we may be driven down to lower prices than we are now at, yet, on the other hand, it is possible, and perhaps probable, that from the general rise in the price of commodities, and the rise in labour, we may have the opportunity, and it may be reasonable that we should, to raise our tolls above the amount we now charge. I should not be prepared, on behalf of the Grand Junction Canal Company, necessarily, to confine our tolls for ever to the rates at which they now are, so as to deprive us altogether of the power of raising them; but, I think, if we should raise them, then the tolls on the canals which

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are amalgamated with railways should be allowed to be raised in equal proportions.

1600. You are not asked now any question with regard to canals amalgamated with railways; you have stated that you think there ought to be legislative power to interfere to prevent those canals charging above a certain rate of toll that might be fixed by some tribunal to be constituted; you are now asked whether you object to give a power to the same tribunal to fix the rate of tolls to be paid by independent persons using your canal, supposing that you charged those independent carriers too high a rate of freight, so as to secure a monopoly to yourselves, you being carriers as well as canal owners?—I should object, generally, to give a power to reduce our rates to any rate that such a tribunal might think proper.

1601. *Chairman.*] You do not understand the question. You have asked for protection in your capacity of competitors with the railways; is not that so?—Yes.

1602. But you have another capacity, which is, that as carriers you compete with the other carriers on your own canal, and we wish to know whether you are willing to give to those carriers the same kind of protection against yourselves, as carriers on the Grand Junction Canal, that you are now seeking yourselves as competitors with the railway companies?—I do not think that we should be willing to grant a general power to fix our rates.

1603. It is not fixing your rates; it is only to fix the proportion out of your rates, which should be considered as toll, not as carrier's profit, in order to leave a due amount to the other carriers to be their carrier's profit?—We should not object, if it was not fixed below the rates charged on other canals; we may be driven down to any rate of freight, and therefore I should object to a rate fixing our toll as low as our carrier's profits may be; our carrier's profits at this moment are less than a halfpenny per ton per mile.

1604. Supposing the gross charges over your canal to be anything you please, and to vary from time to time, still there will always be a certain proportion of it which ought to be considered as toll, and a certain other proportion which ought to be considered as carrier's profit?—We have never made a carrier's profit at all; we make no carrier's profit; our profits are less than the tolls, and always have been.

1605. It is a question of opinion, not of fact, therefore it is not any discourtesy to state the opposite; it cannot be that for five years you were carrying on a trade as carriers, and that you intend to carry on that trade, without there being something or another that is carrier's profit; neither can it be that there should be one-fourth of the whole traffic conducted by other persons paying toll to you, without those other persons getting profit?—Generally speaking, the trade they carry is a different trade to what we carry.

1606. You come before us to ask, in your capacity as carriers, a certain protection against others, your competitors; are you willing, or not, to give, as against yourselves, the same character of protection which you ask for in your own favour?—I cannot say that the company would. I think they would not object to a limitation of tolls to a certain extent, but I think they would object to a general power to lower their tolls by any tribunal.

1607. Then we may take it as the sum of your evidence, that you seek for a certain security to be granted to you, but that you distinctly refuse to take it upon the terms that the same security should be given to others in like circumstances, to be exercised against you?—I think that a railway company, which is possessed of a canal, is in a totally distinct position from a canal company; that a railway company which is possessed of a canal, has an interest to use its powers for the purpose of preventing the trade coming on the canal; we have no such interest, for whether we be traders, or whether we are canal owners, it is our interest to get as much trade as we can, getting a profit out of it.

1608. No; because if you are owners of horses and boats, it is your interest to have those horses and boats fully occupied; and if there be other persons, who also having horses and boats are carrying on the canal, and the traffic is not sufficient for both, it is your interest that your boats should be full, and the others should be empty?—No doubt.

1609. In that supposed case, are you willing to give to them the same kind of security against oppression, which might be exercised by you in the matter of toll, that you yourselves ask for, as against other canal companies upon which

you

you are carriers?—But if we grant that, it would give a general power to reduce (I do not ask they should be) our tolls to any extent.

1610. So you are asking for a general power to reduce the tolls of the other canal companies to any extent?—No we are not; because they would be raised again when the tolls on the independent canals were raised, and reduced below the tolls of other independent companies which lie between.

1611. And with whom you might make an agreement to become joint carriers the morning after Parliament passed that Bill?—But that would be left subject to any control that might be desired.

1612. Are we to take it, that you are asking for a security to be granted to you, and that you distinctly decline to give the same security to the carriers competing with you?—I cannot pledge the Grand Junction Canal Company that they would consent to a power of that sort over their tolls.

1613. You are here as the senior director of the Grand Junction Canal Company, to exhibit their case to this Committee, who wish to do it full justice, and to do that it is necessary to ascertain what are the views of the Grand Junction Canal Company; the Committee distinctly understand the nature of the security they ask against their competitors, and think it only reasonable to know to what extent they are willing to give protection to those who may be competitors with them?—They are not themselves before Parliament at all; and I do not know that I should feel justified in saying that they intend to come before Parliament for the purpose of giving a control of that kind.

1614. Do you think it reasonable to ask for such a control against others, without being called on, at the same time, to give it as against yourselves?—I think it is reasonable, it being for the public advantage that the canal traffic should be kept open. When a railroad comes before Parliament to ask to be allowed to amalgamate with a canal, protection should be given that it should not shut up that canal from the traffic of the country.

1615. What is there to prevent this happening, that as soon as Parliament has given you this security, you may amalgamate with the railway companies, or agree to a combination, by which the traffic may be apportioned?—I should not object to giving a security against our amalgamating with a railway, or putting agreements with railway companies under restrictions.

1616. The best security that the public could have, would be, that the canal should always be open to anybody who chose to put a boat and horses on it, and that such a rate of toll should be charged as might enable all persons to compete successfully; do you object to that?—There is this difficulty. Supposing the railway rates are fixed at a certain amount, we are then compelled to allow a low toll, which lets all carriers come in; and supposing they compete successfully with us, we lose half our trade, or three-fourths, and carry a small proportion of it. Then if the railways lower their rates, and a competition arises, the canal carriers would instantly leave. You would have no security that they would continue on, and the consequence would be, that we should have to take up the trade again, and go to a large expense. We lost a very considerable sum of money by taking up the trade of the carriers, when we did take it up. We cannot depend on the carriers; and it is very difficult, both for railway companies and canal companies, to carry on a trade in competition with their own carriers. You can divide the trade between them; but if they are both to be carried on together, my belief is, that the result would be, that the canal companies would have to give up carrying altogether; and if the canal companies did that, you would then have no security against the railways turning the carriers off. If Parliament were to oblige the railways to admit the carriers on the railways, so that the competition between the railways and canals was a competition between carriers, I do not think then there would be any objection to limiting our tolls.

1617. Mr. *Henley*.] Setting aside for a moment the question of railways, are there not other canals branching into your canal?—Yes.

1618. And the proprietors of those canals are not carriers?—No.

1619. You have stated that it is extremely difficult for carriers and a canal company to work on the same water?—Yes.

1620. Then what security would you give to the owners and proprietors of the canals who are not carriers, that the carriers who necessarily use their water in the first instance should not be overcharged in the way of tolls when they come on your water?—We have agreements with other canals, and by those agreements their tolls are limited to us as long as we keep up an efficient carrying establishment.

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establishment. If we do not work the trade efficiently then those agreements come to an end.

1621. That compels them to throw all the traffic into you as carriers, as well as canal owners?—Practically over the greater number of lines we have the whole through traffic, but not the local traffic. There are no carriers to the Potteries, and no carriers to Manchester except the Grand Junction.

1622. Do you think, under the existing state of things, that they could come into competition with you?—I do not think they could.

1623. Then this is the result, that any canal that joins you would either be under the necessity of becoming carriers themselves, or of losing the trade over their own canal?—No; because if the agreement was done away with, both would be in the same position. If we ceased to keep an efficient carrying establishment, they would then have the power of raising their tolls and charging anything they liked.

1624. Carriers who would be willing to carry on the business, if they could go through the whole distance, might not wish to carry it on, if they could merely have it for 10, 15, or 20 miles of the branches that come into you?—No.

1625. And that *pro tanto* might have a tendency to divert the traffic from the canal so circumstanced and throw it on a competing railway almost to the destruction of that canal?—The canals, at the time we made this agreement, thought, and correctly, that they had a far better chance of retaining their traffic by having a canal company carrying over it, which could not be bribed into giving it up, rather than depend on carriers who could be driven off.

1626. Have you agreements with all the canals that go into the Grand Junction Canal?—Yes.

1627. The whole of them?—Yes.

1628. *Chairman.*] Have you any agreement with the London and North Western?—We have an understanding as to the rates of freights to be charged; there is an understanding that our freights are to be below the London and North Western.

1629. Colonel *Mure.*] The peculiar influence exercised by the railways over the canals, with which they are specially connected, puts that part of the canal interest in so anomalous a position with respect to you, that you look for some special legislation in your favour?—Yes.

1630. There is no necessity, in your own especial case, to require any similar safeguards?—I think not; because, as carriers, or as canal owners, as long as we are not joined with the railroads, we can be safely trusted to conduct our traffic for canal interests in the way we have conducted it hitherto. I think the proof that is given, in our trade having actually increased during the last three or four years against this extreme competition, is a perfect demonstration that we have really carried on that traffic for the benefit of the public, in keeping open the water communication; and my belief is, if we were compelled necessarily to let all carriers come in, that it would be very difficult for us to continue our carrying establishment at all, for it cannot be carried on efficiently except we practically have a monopoly to a certain extent. As long as the carriers were on the railways we did not seek to carry at all, because then the carriers sent a considerable proportion of their traffic by canal, and we were perfectly safe; but when the railroads drove off the carriers we then thought the carriers were not safely to be trusted to compete with railways.

1631. Mr. *E. Denison.*] Did I understand you correctly to state in the earlier part of your evidence, that until the competition with railways arose, you were not carriers yourselves at all?—Not at all, and not for a considerable time afterwards.

1632. Nor until the independent carriers were driven off the railways?—No.

1633. Colonel *Mure.*] Do you consider that no such inconveniences would arise to a railway and a canal amalgamated, from the safeguards you propose in your own favour, as would necessarily arise to yourselves, if the safeguards which the Chairman has suggested were granted?—No, I do not think so.

1634. Then, in that case, you would draw a distinction between a railway and your own case?—Yes.

Lunæ, 7° die Martii, 1853.

MEMBERS PRESENT.

Mr. Cardwell.	Mr. Henley.
Mr. M. Milnes.	Colonel Mure.
Mr. Bright.	Captain Jones.
Mr. Strutt.	Mr. Laffan.

THE RIGHT HON. EDWARD CARDWELL, IN THE CHAIR.

Charles Alexander Saunders, Esq., called in; and further Examined.

C. A. Saunders, Esq.

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1635. *Chairman.*] HAVE you any documents you wish to put in?—Yes, the agreement between the Great Western, the South Western, and the Southampton and Dorchester Railway Companies, dated 16th January 1845; a letter from the chairmen of the three companies to Mr. Laing, dated 30th January 1845; and a letter from Captain O'Brien, the Secretary of the Board of Trade, acknowledging the receipt of them, dated 11th of February 1845.

Vide Appendix.

George Loch, Esq., called in; and Examined.

G. Loch, Esq.

1636. *Chairman.*] ARE you a Barrister?—Yes.

1637. Have you for many years assisted Mr. Loch, who is very well known, who is one of the trustees under the Duke of Bridgewater's will in the management of those estates?—Yes.

1638. Does the Bridgewater Canal form a part of them?—Yes.

1639. What is the extent, and what are the limits of the Bridgewater Canal?—The Bridgewater Canal commences at Runcorn, about 18 miles above Liverpool; from Runcorn it extends to Manchester, a distance of 29 to 30 miles, and by a branch that leaves the canal previous to its reaching Manchester, and running northward past Worsley, it joins the Leeds and Liverpool Canal at a place called Leigh.

1640. The whole length being about 40 miles?—Yes, the whole length would be about 40 miles.

1641. What is the Mersey and Irwell Navigation?—The Mersey and Irwell Navigation is a distinct navigation. That also commences on the Mersey, at Runcorn, and goes up to Manchester, a distance of 26 miles. It was purchased in the year 1844 by Lord Ellesmere, and subsequently united to the trust estates, with the view of facilitating the arrangements for traffic between Liverpool and Manchester.

1642. Are there very extensive docks and works at Runcorn connected with both navigations?—With both navigations.

1643. What was the motive that led to the purchase, by the Bridgewater Trust, of the Mersey and Irwell Navigation?—The principal motive was, that the Mersey and Irwell Navigation had, from various causes, become almost a bankrupt concern, their trade yielding them very little profit, and it was badly managed; the consequence was, that it was very difficult to carry into effect any efficient arrangements for the conduct of the trade between the two places, owing to the mismanagement of the Mersey and Irwell Navigation, and it was purchased, with a view of putting an end to that mismanagement, by Lord Ellesmere.

1644. Were any precautions taken to prevent the public being damnified by the removal of the competition?—Yes, great precautions were taken; separate agents were appointed for the two concerns, and the general instructions that they received were, that they should each exert themselves to the utmost on behalf of their separate respective interests, as if there were no common interest in the possession of the two properties.

1645. By precautions, do you mean voluntary precautions on the part of the trustees, or precautions imposed by any authority?—Voluntary precautions on the part of the trustees.

1646. Was there any outlay on the navigation?—A considerable outlay has been made in restoring works that were previously in a state of great dilapidation—building new warehouses, and so on.

 1647. By

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1647. By what rule of practice is trade carried on, on your canals; that is, are they open to the carriers, or are you the greatest, or the exclusive carriers?—They are both, by law, open to the carriers, and the fact is, that much the larger proportion of the trade on the canals is carried on by the carriers, and not by the trustees—both on the navigation of the Mersey and Irwell, and the Bridgewater Canal.

1648. Mr. *Bright.*] Do you mean that on both lines the carriers have the greatest proportion?—On both lines the carriers have the largest quantity.

1649. *Chairman.*] Has it been the policy of the trustees to encourage the conduct of the carrying business by private carriers?—Very much indeed.

1650. Have you any statement of the quantities that passed from Manchester to Liverpool, and *vice versâ*, by the two navigations?—Yes. I have a statement here showing the traffic peculiar to Liverpool and Manchester, which passes along the two navigations, and contrasted during a certain number of years with the quantity passing by the railway. I cannot give the quantities for the whole period on the latter.

STATEMENT of the TRAFFIC by WATER between *Liverpool* and *Manchester*, for the Years 1839 to 1852 inclusive; and by Railway, for the Years 1838 to 1848 inclusive.

YEAR.	BRIDGEWATER CANAL.			MERSEY AND IRWELL NAVIGATION.			GROSS TOTAL.			RAILWAY.	YEAR.
	Freight.	Tonnage.	TOTAL.	Freight.	Tonnage.	TOTAL.	Freight.	Tonnage.	TOTAL.		
										164,625 average.	1838
1839	30,526	162,600	193,126	96,488	29,280	125,768	127,014	191,880	318,894		1839
1840	26,862	169,631	196,493	90,455	51,352	141,807	117,317	220,983	338,300		1840
1841	26,263	154,013	180,276	74,429	69,155	143,584	100,692	223,168	323,860		1841
1842	19,217	169,154	188,371	54,113	85,335	139,448	73,330	254,489	327,819		1842
1843	21,207	235,788	256,995	54,947	101,063	156,010	76,154	336,851	413,005		1843
1844	19,311	266,599	285,910	36,424	107,408	143,832	55,735	374,007	429,742	190,914	1844
1845	23,930	241,747	265,677	42,344	156,689	199,033	66,274	398,436	464,710	200,239	1845
1846	29,134	254,233	283,367	50,219	164,442	214,661	79,353	418,675	498,028	217,416	1846
1847	18,196	223,763	241,959	41,937	129,885	171,822	60,133	353,648	413,781	191,144	1847
1848	16,334	262,064	278,398	28,689	122,850	151,539	45,023	384,914	429,937	181,968	1848
1849	22,756	271,839	294,595	48,059	135,990	184,049	70,815	407,829	478,644	- -	1849
1850	24,025	230,655	254,680	29,867	129,036	158,903	53,892	359,691	413,583	- -	1850
1851	29,777	172,109	201,886	9,150	138,682	147,832	38,927	310,791	349,718	- -	1851
1852	27,993	201,768	229,761	7,701	131,442	139,143	35,694	333,210	368,904	- -	1852

1651. State what you consider to be the result of the table?—I can take the two navigations, combined or separately. Now on the two navigations combined, in 1839, which was previously to the opening of the railway, it was 318,000 tons. It increased in the year 1846, which was a year of considerable prosperity, and was as high as 498,000, notwithstanding the competition of the railways. It has since that, receded to 368,000.

1652. Mr. *Bright.*] In what year?—That is in the year 1852, but it is still considerably larger than it was previous to the opening of the railways. I may state that, in 1852, the quantity carried by the trustees in their own boats, was 35,000 tons against 333,000 tons carried by the carriers. It might be interesting as showing the trade passing generally upon the canals, notwithstanding the competition of the railways, to state, that since the year 1839, the gross trade from all parts in tonnage has increased from 655,000 tons up to 2,000,000 of tons. That includes coal, and a variety of things. I will hand the Statement in.

STATEMENT of the GROSS TRAFFIC on the NAVIGATIONS of the *Bridgewater* Trustees, inclusive of the *Staffordshire* Trade.

Description of Trade.	Years.	GROSS WEIGHT IN TONS.			
		Bridgewater Canal.	Mersey and Irwell Navigation.	Anderton and Staffordshire Trade.	TOTAL.
Goods and Coal on toll - -	1839	603,502	52,425	- -	655,927
	1840	648,809	84,688	- -	733,497
	1841	628,099	102,714	- -	730,813
	1842	657,375	117,400	- -	774,775
	1843	761,989	122,588	- -	884,577
	1844	936,011	183,648	- -	1,119,659
	1845	1,037,813	269,577	- -	1,307,390
	1846	1,087,713	260,551	- -	1,348,264
	1847	1,042,875	218,211	- -	1,261,086
	1848	1,046,690	183,286	- -	1,229,976
	1849	1,156,546	198,961	- -	1,355,507
	1850	1,088,033	192,295	- -	1,280,328
	1851	1,089,288	211,237	- -	1,300,525
	1852	1,162,185	198,150	- -	1,360,335
Goods carried by the Trustees' boats on freight.	1839	235,002	131,499	- -	366,501
	1840	232,004	127,975	- -	359,979
	1841	205,014	117,080	- -	322,094
	1842	185,755	91,496	- -	277,251
	1843	194,632	94,734	- -	289,366
	1844	222,497	73,391	- -	295,888
	1845	240,895	90,226	- -	331,121
	1846	253,077	94,091	- -	347,168
	1847	275,028	81,223	- -	356,251
	1848	203,896	64,163	- -	268,059
	1849	265,106	84,054	120,205	469,365
	1850	263,628	50,258	207,122	521,008
	1851	184,503	9,152	280,718	474,373
	1852	195,527	9,227	293,487	498,241
Trustees' own Coal by Canal -	1839	151,786	- -	- -	151,786
	1840	134,758	- -	- -	134,758
	1841	116,615	- -	- -	116,615
	1842	109,224	- -	- -	109,224
	1843	98,624	- -	- -	98,624
	1844	121,910	- -	- -	121,910
	1845	112,428	- -	- -	112,428
	1846	128,379	- -	- -	128,379
	1847	126,842	- -	- -	126,842
	1848	110,188	- -	- -	110,188
	1849	115,063	- -	- -	115,063
	1850	108,911	- -	- -	108,911
	1851	126,028	- -	- -	126,028
	1852	121,690	- -	- -	121,690
GROSS TOTAL - - - -	1839	990,290	183,924	- -	1,174,214
	1840	1,015,571	212,663	- -	1,228,234
	1841	949,728	219,794	- -	1,169,522
	1842	952,354	208,896	- -	1,161,250
	1843	1,055,245	217,322	- -	1,272,567
	1844	1,280,418	257,039	- -	1,537,457
	1845	1,391,136	359,803	- -	1,750,939
	1846	1,469,169	354,642	- -	1,823,811
	1847	1,444,745	299,434	- -	1,744,179
	1848	1,360,774	247,449	- -	1,608,223
	1849	1,536,715	283,015	120,205	1,939,935
	1850	1,460,572	242,553	207,122	1,910,247
	1851	1,399,819	220,389	280,718	1,900,926
	1852	1,479,402	207,377	293,487	1,980,266

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1653. *Chairman.*] Describe the position of the Bridgewater Navigation with reference to other navigations connected with, and forming outlets from it?—The various canals which communicate with the Bridgewater Canal, and form outlets from it, are as follows: on the north there is the Leeds and Liverpool Canal uniting with it at Leigh, as I mentioned.

1654. Mr. *Bright.*] What is the distance from the main line of your canal to Leigh?—About 10 miles. Then comes the Bolton and Bury Canal, which unites with the Mersey and Irwell Navigation at Manchester. Then there is the Rochdale Canal, which communicates with the Bridgewater Canal likewise, in Manchester: the Ashton Canal, forming a link to approach the Huddersfield Canal, which carries the traffic on into Yorkshire; and then the Ashton Canal, which again connects it with the Peak Forest and Macclesfield Canals, and then on the south, the Trent and Mersey Canal.

1655. *Chairman.*] Can you state the circumstances of those several navigations?—Yes; the circumstances in which these navigations have been placed by arrangements of various kinds constitute considerable difficulties to the Bridgewater trustees in administering their management. The Leeds and Liverpool Canal, by an arrangement made in the year 1850, with three great railway companies, the London and North Western, the Lancashire and Yorkshire, and the East Lancashire, have placed the control of their tolls under those railways, in exchange for a guaranteed income of, I have been told, 40,000*l.* a year. The Bolton and Bury Canal has been amalgamated with the general system of the Lancashire and Yorkshire Railway. The Rochdale Canal remains independent in a great measure. The Huddersfield Canal is in the possession of the London and North Western Railway Company. The Ashton Canal, the Peak Forest Canal, and the Macclesfield Canal, belong to the Manchester, Sheffield, and Lincolnshire Railway, and the Trent and Mersey Canal is the property of the North Staffordshire Railway Company.

1656. Are these arrangements that you speak of, with the three great companies, under Act of Parliament, or are they voluntary arrangements made without the sanction of Parliament?—In the case of the Leeds and Liverpool Canal, they are arrangements made without the sanction of Parliament: I rather think the parties claim to legalize that arrangement on the ground that they are the owners of canals; and under the General Canal Act of 1847 there is a power given to canals to arrange among themselves; and I think they say they are *pro hâc vice* canals with respect to this arrangement: it is doubtful how far that can be supported.

1657. At any rate it is not expressly sanctioned by Act of Parliament?—It is not. The amalgamation of the Bolton and Bury Canal is expressly sanctioned by Act of Parliament, as are all the other amalgamations I have mentioned.

1658. Will you point out the effect which these arrangements have produced?—The effect has been to divert from the old channels the trade along those canals. A great amount of traffic might still be carried along them, notwithstanding the competition of railways, were means not taken by raising the tolls, and by creating other obstructions to prevent it. I might mention, as an example, the article of pig-iron, which is brought in large quantities to Runcorn as a depôt, and was formerly sent along the Bridgewater Canal to Leigh, thence along the Leeds and Liverpool Canal and the Lancaster Canal into the country northwards. The tolls that existed previously to the arrangement I spoke of, and subsequently to it, are contrasted upon this paper. For example, the difference in one case, to a place called Marsden, is between 2*s.* 7*d.* a ton formerly charged, and the present rate of 5*s.* 11 *d.*

1659. Was that 2*s.* 7*d.* the ordinary rate, or was it an exceptional rate, under some particular circumstances of competition?—I believe that was the ordinary rate. To Colne, 2*s.* 7½*d.* formerly, to 6*s.* 6½*d.* now, and in the same proportions.

LEEDS AND LIVERPOOL CANAL.

ILLUSTRATIONS of the Operation of the Advanced Toll on Pig Iron from *Runcorn* to following Places.

TO	Total Railway Charges with which the Canal from Runcorn must compete.		CANAL TOLLS.								
			Previous to the Lease.					After the Lease.			
	From Fleetwood.	From Poulton.	Lancaster Canal, 1 *d.* per ton per mile.		Leeds and Liverpool Canal, ½ *d.* per ton per mile.		Total Toll formerly.	Lancaster Canal, 1 *d.* per ton per mile.		Leeds and Liverpool Canal, 1½ *d.* per ton per mile.		Total Toll now.
	s. d.	*s. d.*	*Miles.*	*s. d.*	*Miles.*	*s. d.*	*s. d.*	*Miles.*	*s. d.*	*Miles.*	*s. d.*	*s. d.*
Wigan -	4 –	- -	–	- -	8	– 4	– 4	–	- -	8	1 –	1 –
Blackburn -	5 6	5 –	11	– 11	19	– 9½	1 8½	11	– 11	19	2 4½	3 3½
Accrington -	- -	5 6	11	– 11	25	1 –½	1 11½	11	– 11	25	3 1½	4 –½
Burnley -	7 –	5 6	11	– 11	35	1 5½	2 4½	11	– 11	35	4 4½	5 3½
Marsden -	- -	5 6	11	– 11	40	1 8	2 7	11	– 11	40	5 –	5 11
Colne - -	- -	5 6	11	– 11	45	1 10½	2 9½	11	– 11	45	5 7½	6 6½

1660. Comparing the ordinary rates under one state of things with the present?—With the ordinary rates under another. I have another return here, which I did not quote because the contrast is so great, that without explanation from the person who furnished the return, I was apprehensive that the low rate alleged to previously exist, might be caused by extraordinary circumstances. But even in that case I take it that it would not be an unfair statement to put in, because had the canals remained independent during the period of contest, they would have borne their share of the brunt, and not have kept up the rates artificially, so as to prevent the trade flowing along them.

1661. Mr. *Bright.*] Is that iron you spoke of principally from Scotland?—Yes.

1662. Does any portion of it come now from Scotland the whole distance by Railway?—Yes.

1663. Do you know at all whether it is a considerable quantity?—I should think not. I cannot speak positively. There is a great advantage in sending it to Runcorn as a great place of depôt, it affords greater facilities to the owners to distribute it. Then, in the case of the Bolton and Bury Canal, there have been great changes made in the rate of tolls; I would only mention, without giving the same sort of contrast that I gave before, that while the Lancashire and Yorkshire Company, on different parts of their line charge a rate of carriage only equal to 2*d.* per ton per mile for conveying iron along their railway, furnishing power and everything else, they charge 2*d.* 4–10ths per ton per mile for the privilege of merely using the water way on the canal, all other expenses having to be added.

1664. Does that refer to the Bolton and Bury Canal particularly?—Yes.

1665. To any other portion of their line?—The rate of freight between Manchester and Bolton is 2*s.* on the railway, which is at the rate of twopence and four-tenths per ton per mile. The rate of toll on the canal is 1*s.* 10¾ *d.*, which is the same rate, in fact, per ton, without the facilities given of power and waggons, and so on. There are other instances, too, here.

BOLTON AND BURY CANAL.

A COMPARISON of the relative CHARGES per Ton per Mile made by the Lanchashire and Yorkshire Railway Company, for FREIGHT on their Railway, and for TOLL on their Canal.

		Railway Freights.				Canal Tolls.		
		Per Ton.	Distance.	Mileage.		Toll per Ton.	Distance.	Mileage.
		s. *d.*	*Miles.*	*d.*	*s.* *d.*	*s.* *d.*	*Miles.*	*d.*
Manchester to Bolton	Iron	2 –	10	2·4	Toll 1 9½ Lockage – –¾ Wharfage – –½	1 10¾	10¾	2·12
					If from Liverpool or Runcorn direct	1 10¾	10¾	2·12
Liverpool to Bolton	Timber	6 8	28	2·86	Lockage and Wharfage as above	1 10¾	10¾	2·12
Liverpool to Bury	Timber, Dye-woods	6 8	34	2·35	Toll 2 1 Lockage – –¾ Wharfage – –½	2 2¼	12½	2·1
Fleetwood to Bolton	Iron	5 –	40	1·5	Lockage and Wharfage as above	1 10¾	10¾	2·12
	Grain	6 4	40	1·9	Ditto	1 10¾	10¾	2·12
Fleetwood to Bury	Iron	6 –	46	1·56	Ditto	2 2¼	12½	2·1
	Grain	8 –	46	2·09	Ditto	2 2¼	12½	2·1

1666. The fact is, they charge as much for the use of the canal to independent carriers as they themselves carry the goods at on the railway?—Precisely.

1667. And therefore make it impossible for people to work on the canal?—Yes.

1668. Is that your argument?—Yes. As to the Huddersfield Canal, here are comparisons made of the charges before and after the amalgamation, which I can put in, and of the Ashton Canal in the same way.

HUDDERSFIELD CANAL.

Toll Charges previous to the Amalgamation with the London and North Western Railway.	Charges subsequent to the Amalgamation with the London and North Western Railway.
1 *d.* per ton per mile.	Toll, 1 *d.* per ton per mile. Tunnel Dues, 1 *s.* 6 *d.* per boat, each way. Light Dues, equal to 10 tons in some cases, and to 15 tons in others. Wharfage, 1 *d.* per ton.

ILLUSTRATION.

	£.	s.	d.
Formerly:			
A boat, taking a cargo of 20 tons, and returning light, would pay for 20 miles	1	13	4
Subsequently:			
Toll	1	13	4
Tunnel Dues, 1*s.* 6*d.* each way	–	3	–
Light Dues, say for 15 tons	1	5	–
Wharfage	–	1	8
	3	3	–

ASHTON CANAL.

BETWEEN MANCHESTER AND STOCKPORT.

Freight charged in 1849, 1*s.* per ton.

Toll now charged, including labourage at Stockport, and wharfage or warehouse rent:—

Flour and Grain - 1*s.* 6*d.* per ton.*
Merchandise - 1*s.* 11*d.* per ton.*

Only leaves 7*d.* per ton for labourage at Manchester, and haulage and boatage between Manchester and Stockport on merchandise.

Freight now charged, 2*s.* 6*d.* per ton.

Freight now charged by canal, 2*s.* 6*d.* per ton.

BETWEEN MANCHESTER AND ASHTON.

Toll now charged, including labourage, and wharfage or warehouse rent at Ashton:—

Merchandise generally - 1*s.* 11¾*d.**

Only leaving 6¼*d.* for haulage, boatage, and labourage between Manchester and Ashton.

Freight now charged by canal and railway, 2*s.* 6*d.* per ton.

1669. *Chairman.*] The object of those papers which you have just put in is to show, that where a railway company are either by Parliamentary authority owners of a canal, or have by voluntary arrangement or other good understanding, become the owners of that canal, they are enabled to charge such rates on the railway and canal respectively as to prevent the competition of canals with the railway?—That is the object of those papers.

1670. What views do the trustees of the Duke of Bridgewater's Canal take of the union of the Trent and Mersey Canal with the London and North Western Company?—They deprecate that union very earnestly indeed, for reasons founded on the experience exhibited in those papers, and of the operation of similar arrangements elsewhere.

1671. Did they oppose its union with the North Staffordshire?—I am not quite clear whether they petitioned, but they would have petitioned unless clauses had been given by the parties amalgamating. I hoped to have had the Acts here, but they have not been sent up by the Parliamentary agents. The general purport of the clauses was to provide that there should be no partiality shown in the charges made respectively on the railway and canal for the purpose of throwing the trade off the canals on to the railway.

1672. Have those clauses been effectual for the purpose for which they were intended?—They have not been effectual. I apprehend it would be difficult to render clauses of that description effectual.

1673. Can

* These charges are maximum charges, made under the influence of the London and North Western Railway Company.

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1673. Can you put in a copy of those clauses?—Yes; there are very similar clauses in an Act which I shall come to presently.

1674. State the circumstances which have defeated the operation of those clauses?—When two railway companies, in conjunction with each other, choose to establish a through rate between two distant termini, they may divide that rate, as to each, without divulging the proportion that applies to the railway which is restrained by the clauses to which I have alluded. Therefore there are no means of ascertaining whether they do, or do not, comply with the clauses.

1675. That is, they can afford to charge more cheaply on the part of the line not contemplated by the Canal Act?—Or *vice versâ*, that is what they would strive at. Their object is to make the charge as low as possible on the portion of the line in competition with the canal. They might so divide the charge, as to take a lower rate on that part of the line which was affected by the clauses in the Canal Act, with a view of securing traffic. They would be compelled in that case, under the operation of the clause, supposing it to be effectual to charge lower on the canal also. If they wished to make a low charge on that portion of their railway, in direct competition with the canal, and at the same time to escape the obligation of the clause which would require of them to reduce the tolls on the canal to a corresponding amount, they would by an understanding with the other railway companies whose lines run into theirs, merge that charge in the general charge between two distant termini, and therefore it would be impossible to tell whether or not it was lower than the corresponding charge on the canal.

1676. So that, when you attempted to put your remedy into effect in a court of justice, one of the necessary elements in your evidence would be wanting?—Yes, proof.

1677. Mr. *Bright.*] That is a case of supposition; have you any fact to show that that has been done on the Trent and Mersey Navigation, either by the North Staffordshire Canal, or the North Western Railway Company?—I am not prepared at the present moment to quote any particular case, but it is our conviction that that is done.

1678. *Chairman.*] What would be the consequence if the amalgamation were absorbed in the London and North Western?—That the facility for that sort of thing would be increased, inasmuch as it would become one interest and one line.

1679. Does the canal constitute a very great part of the whole income of the North Staffordshire Company?—A very large proportion.

1680. What then would be the interest of the London and North Western with respect to that portion of the traffic?—At the present moment, the North Staffordshire Company administer the affairs of that canal with tolerable fairness to the carriers. It constitutes so large a portion of their interest that it is for their advantage to do so; but if it were to become a portion of the great system of the London and North Western Railway, it would cease to be so important to them, and it would be more to their purpose to put trade on the greater length of railway they possess than to let it remain on the shorter length of canal.

1681. Mr. *Bright.*] Would you say that hitherto, as far the North Staffordshire is concerned, while that was an independent line, that neither you nor anybody else have had any reason to complain of what has been done?—I do not think there has been any strong ground of complaint with respect to their management of the line. I do not think they have done exactly as they might have done if the canal were independent. They have not expended the same amount of money in frost, or in clearing the canal of broken stones at the bottom, and that sort of thing, but otherwise I do not think any great complaint can be made of its management. I do not refer to their toll charges.

1682. *Chairman.*] Do you carry on a considerable traffic as goods carriers on the Trent and Mersey Canal?—A very large traffic.

1683. Are you carriers of the South Staffordshire traffic on the Trent and Mersey Canal?—The trustees have for a long period of years carried a large portion of the pottery trade between the Potteries and Liverpool; and a few years since they made an arrangement with the North Staffordshire Company to undertake the carriage of iron and articles of that description, and goods generally between Liverpool and Manchester on the one hand, and South Staffordshire on the other.

1684. What were the reasons which induced you to come to that arrangement?—We were aware that the London and North Western Company at that time

time were desirous of making an arrangement with the North Staffordshire Company, of the exact nature of which we were not informed, but which we had very good reason to believe had for a portion of its object, to discourage trade passing along the canal by Preston Brook, and transferring it to the railways. With a view to protect the trustees against any such effort, we made an arrangement with the North Staffordshire Company, by which we guaranteed to them the amount of tolls which they had received in the year preceding the arrangement, to continue during a period, I think, of seven years, on condition that they should make over to the trustees the carrying trade into South Staffordshire, transferring to them their stations, and selling to them their boats and horses, and their establishments.

1685. Mr. *Bright.*] Were there other persons carrying on that canal at the same time besides the North Staffordshire Company?—The North Staffordshire Company were the main carriers of this trade that we became possessors of. There were other parties also engaged in it.

1686. The whole length?—Both the whole length and for short distances.

1687 *Chairman.*] What you purchased was, that share which the North Staffordshire had been doing before?—Yes.

1688. What has been the effect of circumstances that have happened within late years upon the traffic of the private carriers, as compared with the traffic carried on by the great canal companies themselves?—That one by one they have been driven off; they have been unable to face the competition, or the inducements held out to them by the railway companies to give up their trade.

1689. State the means which in your judgment the railways have most successfully exercised in bringing about that result?—In cases where they have owned portions of canals, one effectual means has been to keep up the tolls on parts of the canal, and in that way to interfere with the trade passing the whole distance, their own rates at the same time on the railway being very low.

1690. What view did the London and North Western take of your becoming carriers on the Trent and Mersey Canal?—The London and North Western Company objected to it very strongly. I have made a copy here of a letter I received at the time from their principal manager, objecting to it, and threatening that if it was continued, the trustees would be subjected to attack from the railways on other trades; the pottery trade, for instance, possessed by them.

1691. Did you mean to say that it was your purchase of the Trent and Mersey interest which drove the private carriers off, or that it was the general competition of the railways which brought that result about?—It had been for a long time obvious that the general effect of the competition was driving the private carriers off; and the trustees felt that unless they stepped in, as great capitalists to protect the traffic on the navigations, that the result probably in a few years would be, that the private carriers would be excluded altogether, and the trade diverted.

1692. Are we to understand that your object was not so much the profit you were to make as carriers on the Trent and Mersey, as the profit you were to continue to make as toll owners on the Bridgewater Trust Canal?—Our object was merely the Bridgewater Canal.

1693. Mr. *Bright.*] What year was it that you bought the concern of the Trent and Mersey Canal?—In 1849.

1694. How many carriers were there on that canal in that year, independent of the Staffordshire Railway and your canal?—About four or five.

1695. How many are there now?—The same number now.

1696. Then the gradual expulsion of these people from that traffic has not continued?—It has not continued; I may mention, in one case, that Mr. Shipton, a carrier, has been made an agent for the trustees, and all his activity, energy, capital, and skill, are still equally employed in forwarding the traffic on the canals, as before, but under the protection given by the trustees' strength.

1697. *Chairman.*] Did the North Western Company specify the modes of opposition to which they intended to resort, or any of them?—They did specify them.

1698. State any instances you wish?—I only wished to mention that the course taken by railway companies—I do not mean by the London and North Western in particular, but I give that as an example of the course taken by railway companies—to repress competition, is to attack the water competition by the aid of their great money power, and in that way to discourage the granting of facilities to the public, which otherwise might be extended to them.

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1699. Were you present when Captain Huish stated that railway companies charged their maximum rates where they were in competition, and rates below the maximum where they were left to themselves?—I was.

1700. What is your opinion with respect to that statement?—My opinion is that it is unfounded; that it is a mistake. I think that that may be illustrated in more ways than one. The railways charge, as I think was mentioned by some of the witnesses, their maximum rates generally, on passenger traffic, because there they have no competition; but they charge much lower than their maximum rates on their goods traffic, where they are exposed to a competition; but, in addition to that, the higher class goods which the railways offer peculiar facilities for conveying, as compared with canals, are charged at rates very much disproportioned to the lower class goods, where the canals can enter into fair competition with them; as, for instance, between Birmingham and Liverpool and Manchester, the rate on the lowest class is 11*s.*, the rate on the highest is 30*s.*

1701. Mr. *Bright.*] Have you got the particulars of the goods?—This is the railway classification, the lowest class of goods, 11*s.*

1702. *Chairman.*] You wish to illustrate that where there is competition they charge the lower rate, and where there is no competition they charge the higher rate?—Precisely; that is my object.

1703. Therefore, taking any class of goods that is a fair sample, will you show us that they charge a lower proportionate rate in the case of competition than they do with respect to the same class of goods where there is no competition?—Yes, I can do so. From this table also, I find the rate between Liverpool and Birmingham, on the second class goods, in the railway classification, is 15*s.*; the rate between Manchester and Birmingham is 17*s.* 6*d.*; the distance in both cases is the same practically, but between Liverpool and Birmingham there is the opposition afforded by the Shrewsbury line, which has been recently opened; between Manchester and Birmingham there is no such competition. There is another paper which I had made out on Saturday, which shows in a more striking point of view still, the difference which exists where there is competition against the railway, and where there is none. It is a scale of charges on the Midland Railway between Birmingham and Gloucester, and between Birmingham and places nearer to it than Gloucester; for instance, take Gloucester, which is 53 miles, the charge is 7*s.* 6*d.*; to Cheltenham, which is 46 miles, the charge is 10*s.*; to Gloucester, the opposition by the Severn, and the Birmingham and Worcester Canal keeps down the rate; to Cheltenham there is no such competition; and in the same way to other places under similar circumstances.

RATES between *Birmingham* and the following Places.

——	Number of Miles.	1st Class.	2d Class.	3d Class.	4th Class.	5th Class.	Smalls.
		s. *d.*	*s.* *d.*	*s.* *d.*	*s.* *d.*	*s.* *d.*	*s.* *d.*
Gloucester, in competition with Birmingham and Worcester Canal and Severn Navigation	53	7 6	8 4	12 6	20 –	40 –	– 9
Cheltenham, no competition	46	10 –	15 –	20 –	30 –	40 –	1 –
Droitwich - ditto	20	7 6	8 4	10 –	15 –	20 –	– 9
and Bromsgrove - ditto	15						
Worcester - ditto	26½	7 6	8 4	12 6	20 –	30 –	– 9
Hull, in competition with Canals and Trent Navigation	134	20 –	20 –	25 –	30 –	40 –	1 3
Sheffield, no such competition	86	20 –	25 –	35 –	40 –	60 –	1 –
York - ditto	129	26 8	30 –	33 4	40 –	60 –	1 6
Newcastle, in competition with Navigations to Hull, and Coasters to Newcastle	216	25 –	30 –	35 –	45 –	60 –	1 9

1704. Mr. *Bright.*] The principle which you described as acted on by railway companies is not altogether inoperative with regard to canals under similar circumstances?—Not the least; nor can it be objected to on the part of railways. Every person is entitled to make as much as he can under the circumstances in which he may be placed; I merely adduce it in opposition to the reasoning sought to be founded on facts which are erroneous.

1705. *Chairman.*] Do you mean that the fault, if there be any, rests with Parliament, which places these means within the powers of the companies?—If there be a fault in it; but I do not think there is a fault in it. If a person ships cottons to a port where by some accident there is a scarcity of cottons, he will be selling those cottons at a very much higher price than when he ships them to ports where there is not a scarcity of them.

1706. Do you wish Parliament to secure to the public such a state of circumstances as would produce such low charges as reasonably may be, for the carriage of goods throughout the country?—Yes.

1707. Were you present when this phrase was used, that where combination is possible competition is impossible?—I was.

1708. Do you subscribe to that opinion?—No; only in a very limited degree.

1709. Did you hear the instances that were given with regard to the Lancashire and Yorkshire districts?—I did; and I do not think they support the accuracy of the saying; for I believe that those arrangements are not arrangements made without the sanction of Parliament, as might have been the inference drawn from the mode in which the fact was stated, but they are arrangements made between the London and North Western and the Lancashire and Yorkshire Railway Companies, under an Act of Parliament, enabling them to effect traffic arrangements.

1710. Do you know what the object of those arrangements is?—I am only imperfectly informed as to the object. I should presume the main object is to prevent unnecessary competition, and the consequent reduction of rates below a fair remunerating level.

1711. Do you understand them to be arrangements whereby the district is to be parcelled out, and a certain per-centage to be paid to one company, and a certain other per-centage to the other company, without any regard to whether the goods actually travel in those proportions over the respective lines?—I believe, in some cases, it is so. In the case of Ashton and Staleybridge, a place in the neighbourhood of Manchester, one company does pay to the other a certain sum without reference to the quantities carried by them respectively; but at the same time I would represent that, inasmuch as these arrangements are of a temporary nature, they do not in any way prevent either party from engaging as actively as they would otherwise do in promoting their business. They each strive to increase their trade, and to do it as well as possible, with a view of placing themselves hereafter, when the agreement has to be renewed, in a position to obtain better terms under the agreement.

1712. Do you apprehend, therefore, that a stimulus to competition does, to a great extent, remain?—I believe it does.

1713. How far does that, in your opinion, assist the argument against the proposed amalgamation of railways under Parliamentary authority?—It appears to me to be the strongest argument that can be adduced against amalgamation, which, by uniting the interests permanently, would put an end to the stimulus to separate and independent exertion in promoting the traffic of each.

1714. Would it not be the joint interest of everybody to get the greatest amount of traffic on the line?—It is possible that circumstances might enable companies amalgamated to make large profit by some negation of accommodation, rather than increasing it.

1715. Is it true that the Bridgewater Trustees are parties to any such agreement as you have referred to?—They are no parties to any agreement having reference to paying over any sum of money with respect to traffic, or division of quantities; they are parties to an arrangement which has for its object a certain fixed tariff of rates to be charged between two places.

1716. Were they ever parties to an arrangement of that kind?—They have been.

1717. Under what circumstances?—The circumstances connected with the arrangement would take me some little time to describe, and I should be sorry to weary the Committee by stating them at length. But they are shortly these:

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when the Liverpool and Bury Railway, which is another line between Liverpool and Manchester, was first opened, it required to be satisfied with some amount of traffic to commence with. At that time the Bridgewater Trustees, as may be seen by the table which I have put in, were carrying about twice as much traffic between the two places as the Liverpool and Manchester Railway. It was proposed by the railways to the Bridgewater Trustees, that in place of continuing to carry what they could collect, and what they therefore conceived themselves to be entitled to, they should be content with only one-half the traffic, and the difference, the other half, should be divided between the two railway companies. They objected to that, but the railway companies insisted upon the division; and, at the same time, they required from the trustees that they should exclude the private carriers from their canals, for it was felt that the success of the Bridgewater trustees in collecting so large a quantity of traffic, was due very much to the exertions and independent energy of the carriers. The trustees declined both proposals; either to yield up the trade, which was their own, or to exclude the carriers from their canals. Even had it been possible to exclude the carriers from the canals, which they could not, the canals being highways, they would have refused to do so. The railway companies persevered in their demand, and the consequence was, that during six months, or nearly so, the rates were reduced between Liverpool and Manchester from an average of 7*s.* and 9*s.* a ton, to half a crown a ton, with the view, as was not concealed by the local agents of the railway companies, to ruin and drive the private carriers off the navigations. The trustees felt that this might become of consequence, and that it was a thing to be averted, and they made arrangements with the private carriers that they would carry them through harmless, that they would bear their losses from the period of the commencement of the contest up to its close, whenever that might be. In return for this, they required the carriers to place themselves somewhat in the position of agents to the trustees, and to charge the rates of freight that might be directed by the trustees. It is clear that if the trustees were to bear the risk of loss, they should have a voice in deciding the amount to be charged for the conveyance of the traffic. It answered the purpose. The carriers were in that way enabled to pass through the ordeal of this contest, and employ all their activity in aid of the trade on the canal, and the result was, at the end, notwithstanding the efforts made by the railway companies, there was as large or a larger proportion of traffic on the canals than had been there previously. The railway companies renewed their application, after a time, for a division of traffic, accompanied by an intimation that, if not conceded, it might lead to a repetition of the contest from which the trustees and other parties had suffered so materially, and it was agreed to, with the stipulation, that the trustees should pay over to the railway companies a certain sum per ton, 5*s.* a ton, on the excess which the trustees might carry beyond a moiety. The thing went on for about nine months, but the loss inflicted by this agreement on the trustees was so severe, almost as bad as the contest itself, that it was put an end to. That was at the close of the year 1850, and from that time to the present, there has been no agreement subsisting between the trustees and the railways, having reference to a partition of traffic.

1718. Then the only agreement you have now with them is as to a tariff of rates?—That is all.

1719. Have you in any case been compelled to raise your tariff?—One of the great sources of difficulty between us and the railways was, that under the previously existing arrangement, the canal had been permitted to charge 8*s.* 4*d.* a ton on manufactured goods passing from Manchester to Liverpool, the railway charging 10*s.* on the same class of goods, the difference being held to be no more than an equivalent for the slower carriage of the canal. The trustees were required by the railway to put up their rate from 8*s.* 4*d.* to 10*s.*, and thus forego the advantage the railway conceived the trustees had in securing a larger share by taking the traffic down at the lower rate. That was resisted by the trustees as long as it was safe to do so, and at length they gave way, but very unwillingly.

1720. To what do you attribute the willingness of the railway companies to sustain so great a loss, which must have fallen on them during the time they were carrying at the low rate of 2*s.* 6*d.*?—I conceive the willingness, or rather the indifference of railway companies to sustain a loss of that description, arises from the fact of their enormous income, derived from a variety of distant and different

different sources, which makes it a matter of comparative unimportance to them to lower their rates on a local traffic, for the purpose of oppressing a competitor, less powerful than themselves, whose chief source of income consists in that local traffic.

1721. So that a very great company could always afford to be sacrificing a portion of its revenues in competition, paying its dividend out of the remainder of its revenues?—Obviously.

1722. Mr. *Bright.*] Do you mean to state to the Committee that the Bridgewater Trustees are a very weak body, and incapable of defending themselves?—I should be sorry to give that impression; I do not think they are weak; but as compared with the income that the London and North Western possess, the income of the Bridgewater Trustees is not so large.

1723. Is the case you are putting, the case of the Lancashire and Yorkshire with the Liverpool and Bury?—It arose out of the opening of the Liverpool and Bury line; but the Lancashire and Yorkshire, and the London and North Western, act together in this case; and, therefore, in measuring the comparative strength of the two opponents, we have to put the income of the London and North Western, to the income of the Lancashire and Yorkshire, which would amount to 60,000*l.* a week, against the income of the Bridgewater Trustees, which is derived from their traffic between Liverpool and Manchester.

1724. At the same time, was not the Lancashire and Yorkshire Railway engaged in similar conflicts with other water carriers on different parts of their line?—No, not simultaneously; that had ceased at the time; that competition had ceased at the period this commenced.

1725. *Chairman.*] Was not the object of your observations to make out the proposition, that in proportion as a railway company is more extended, and has a larger capital, the greater is their power of effecting those local destructions of competing bodies?—Yes; that was the object of my observations.

1726. In what respect do you fear that from Parliamentary amalgamation, when you do not fear it from these voluntary combinations?—Because I think, if you amalgamate these bodies, you render their money power so much greater than it is at the present moment, as to increase those risks to competitors unpossessed of the same powers.

1727. You have said on the instance in question, of the London and North Western and the Lancashire and Yorkshire Companies acting together, their united income might be taken as that which was brought to bear upon the Bridgewater Trustees, namely, 60,000*l.* a week?—Yes.

1728. That was under voluntary combination?—Yes.

1729. In what respect would it be different under Parliamentary amalgamation?—It is difficult to answer the question at once; one does not pretend to say that in the present state of things there is not a risk of these combinations, but I hold them to be less dangerous a great deal than if Parliament were to amalgamate them; for instance, the London and North Western, and the Midland Companies are now applying for amalgamation, threatening to make a body more unwieldy than any which exists at the present moment.

1730. You assume that Parliament in granting their amalgamation, has taken no means which might be effectual for protecting you and other members of the public from mischief, to which you have hitherto been exposed?—I can only conceive one means, which I should have alluded to afterwards, which would be perfectly effectual, and I am aware that I am in a certain disadvantage in proposing a measure which is beyond any that has been proposed hitherto; but I cannot help thinking, that it is one to which public attention must be more or less directed, viz., that if you grant general amalgamation, you must reduce the railways throughout the country to be highways, and not monopolists of carriage also.

1731. In point of law the railways are not now monopolists of carriage also; the monopoly of carriage has arisen from practical considerations not contemplated by Parliament in passing the Railway Acts; how do you propose to overcome those practical difficulties?—The question is much too vast to answer off-hand; the practical difficulties that exist are twofold; there are practical difficulties arising out of the powers that railway companies possess over their stations, and accommodation on their lines. There are also the practical difficulties arising out the rate of toll which they are enabled to charge, as contrasted with the maximum amount that they are prevented from going beyond, with respect

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respect to their rates of freight and carriage, which in themselves would be sufficient to exclude the public; and they are also enabled to exclude parties from using their lines, by the aid of that public feeling, which attributes danger, and risk, to any interference with the sole use of the lines of railway by the railway companies themselves as carriers.

1732. Have you considered that question of public safety?—I have considered it to a certain extent.

1733. What is your opinion upon that point?—That it would be quite possible to make regulations to secure the public safety under an open state of things.

1734. Then your proposal would be that the railway companies should be compelled to admit to their stations, or to the use of their sidings, and other accommodation for giving water and fuel to the engines, and generally to permit other companies to run over their lines; and that that might be accomplished, in a general manner, without any serious difficulty to the community?—I think that is a proposal short of the other to which I adverted just now. I think, with a view to prevent the evils arising from apprehended combination, which is an argument used a good deal by railway companies in proposing amalgamation, that if you were to grant general running powers to all lines, over all other lines, that you would not only in a great degree diminish the power of railway companies to make these adverse combinations, but that you would diminish their motives to do so also.

1735. Do you think these running powers, though given by Parliament, would seldom be carried into practical operation?—My impression is, they would not be often carried into operation.

1736. Would not that be, in point of fact, something like causing a transfer of financial advantage from one company to another, without giving the public any facility of transport?—I do not see how it can have that effect.

1737. It has been represented to this Committee, that when the London and Birmingham Company obtained their Act for making the Trent Valley, the Grand Junction Company succeeded in obtaining running powers over it, and that afterwards, when the Grand Junction Company came to be amalgamated with the London and Birmingham, those running powers were entered as an item in the balance sheet, and were counted at 14,000 *l.* a year?—Yes.

1738. It appears, if that statement be accurate, that the result was not increased accommodation to the public, but a transfer in account of 14,000 *l.* a year from one of those companies to the other?—Yes, because that arrangement was made in consequence of an amalgamation between the two parties; and it was not unfair, on the one side, to introduce an item of that sort, in the consideration of an adjustment of value between the two; but if those powers existed generally, and between railways which are not contemplating an amalgamation, I take it that the only means of escaping their operation, would be to meet those public wants, to satisfy which, other railway companies might think of putting their powers of running, in force over neighbouring lines.

1739. Supposing two companies to enter into a voluntary arrangement, like those described to us, as entered into between the Great Northern and the North Western under Mr. Gladstone's award, might not the possession of running powers by one company over the line of the other be made an item in the account in estimating the proportions of traffic which were to be taken by the company possessing the powers?—It is possible it might; I am not well acquainted with the nature of the arrangement between the two companies to which you allude. The example which has occurred to my mind is, as regards the North Stafford line, where it has been represented that the North Stafford line desiring to arrange their trains so as to fall in with trains running on the North Western Railway, were defeated by other arrangements, which prevented the two trains dovetailing into each other. I take it no such inconvenience would have been imposed on the public if the North Stafford line could have run its trains through; the London and North Western would, of necessity, have made arrangements to suit the convenience both of the North Stafford line, and the public.

1740. In point of fact, have not the London and North Western and the North Stafford line come to terms?—Yes.

1741. And are now before Parliament for an amalgamation, under which amalgamation the public will be carried, no doubt, in precisely the mode which happens

happens to be most convenient and economical to the amalgamated company?—Yes.

1742. The difference, therefore, would have been, that the public would have been carried just as they will be carried now, namely, in the best mode which happens to suit the two parties when combined, but that, in making the arrangement for combination, the North Stafford line would have had credit for a larger sum of money, as against the North Western, than they probably will now have?—We do not know that the North Stafford line would have been desirous to amalgamate at all if the power existed which I have described. Their difficulty arises from their having no termini of their own; if they had the power of running into the termini of the London and North Western, it is possible that the difficulty which compelled or induced them to make this amalgamation would never have occurred to them.

1743. On the whole, then, you think that the proper remedy for defeating combination is to give any railway company universal running powers over all the other lines of railway?—I should be sorry to say that would meet every case of combination; but I think, as I commenced by saying, it would reduce the facilities for combination.

1744. Now take a case. Suppose a company has constructed a very expensive line, which runs through a county where the cost of making the railway is very considerable, might it not happen that another company, in a cheap part of the country, might make a short branch into that expensive line, and then, under running powers, might really take away a great part of the return which the company that had expended its money had reason to expect from Parliament it would receive?—It occurs to me that the question is suggested by the confusion which exists in the public mind between the two different capacities of railway companies; that of owners of a traffic, and owners of a highway. A canal company constructs a very difficult and expensive line, establishes stations upon it at great expense, and becomes a carrier on their own line; they are competed with, by every person who can buy a horse and boat, and put it on the canal. There is no hardship in it. I take it, therefore, that as a railway company are the proprietors of a highway, and the takers of tolls, there would be no hardship in the case you have suggested.

1745. Mr. *M. Milnes.*] You stated that you considered this great extension of running powers might be made compatible with public security. Do you propose, therefore, that the regulations between a company enjoying those running powers, and the lines on which those running powers are exercised, should be under the control of some central authority, or left to the discretion of the managers of the lines?—Both. Clearly the company over which the powers are to be exercised should have a voice, but not without appeal, otherwise their interest as carriers might induce them to propose such regulations as would entirely defeat the power to be exercised by the other party.

1746. It has been frequently suggested that certain regulations, which might be most commodious to the lines exercising these running powers, are particularly incompatible with the public safety as regards the main line?—Those things would have to be considered by the tribunal to whom the question is to be referred. In that case the powers might be either restricted or put under regulation.

1747. Could you hope that any of these arrangements would be effectual without some central power?—I do not think they could.

1748. Mr. *Bright.*] You draw a distinction between the plan which Parliament has adopted as to the mode of working a railway and a canal; you said anybody on a canal, with horse and boat, could start in opposition to the canal owners?—Yes.

1749. Take your canal for example: if a man starts a boat and horse on your canal, has he any right to use your warehouses or wharves, or, in fact, to make use of anything, except the towing-path and the water-way, without some special agreement with you?—Upon paying the regulated charge.

1750. Or any charge which you choose to agree with him for?—Yes.

1751. If you choose to exercise them, you have powers of prevention, annoyance, and interruption to the business of the private carrier, which might be effectual in driving him off the canal, if it was not your interest to keep him there?—No doubt difficulties of that sort might be thrown in his way, but that is not the practice.

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1752. Then with respect to running powers, your opinion as to granting running powers for all lines over all other lines, would necessarily be interrupted in the case of a difference of gauge?—Unless the Great Western chose to establish narrow-gauge engines to run over the neighbouring narrow-gauge lines, and *vice versâ*, either party might own engines for the specific purpose, to which they might be applied.

1753. *Chairman.*] You, as representing a great competing body, are of opinion that combinations are not so dangerous by a great deal under the present law, as amalgamations would be definitely sanctioned by Parliament, and subject to some control by Parliament?—We feel great apprehension in looking to the effect of these vast amalgamations, constituted as railways now are. It takes no definite shape. We hardly know what will be produced by them. We would rather deal with the existing state of things than have to meet a condition of things so apparently dangerous.

1754. Mr. *Bright.*] Do you apprehend very much more evil from permanent amalgamations than from these voluntary arrangements?—Yes.

1745. But you have given us a case where your own company has had to fight a great battle with two powerful railway companies, and all that mischief has arisen under a system of voluntary arrangement, has it not?—It has.

1756. Do you prefer voluntary arrangement, chiefly, because, while in existence it is less mischievous, but that there may be some accident upon a disruption of it; is that the reason why you prefer a voluntary arrangement to a permanent one?—That is one motive; and I think, where we have to contend against two parties, each having separate interest, and each depending upon their receipts for the dividend they have to pay to their proprietors, we run less risk of being coerced by the weight of their purse, than we should have run, if the whole income had been united as one income, and directed against us.

1757. Take your own case, from Liverpool to Manchester; you run there in competition with the London and North Western, and the Liverpool and Manchester, and the Lancashire and Yorkshire, on the Liverpool and Birmingham line?—Yes.

1758. Now, would it not be quite as competent to you to make an arrangement with the London and North Western to bring your joint purse against the Liverpool and Bury, as with the Liverpool and Bury to bring your joint purse against the London and North Western?—Yes.

1759. Therefore you prefer to be in a condition of things where such an arrangement would not be shut out from you, rather than seeing the other two companies, with all their powers, concentrated against you by permanent Act of Parliament?—It never occurred to us as possible that we could be united with either of the two in opposition to the other.

1760. *Chairman.*] It never occurred to you, because you consider the natural tendency of railways is to have a good understanding between one another for a division of the traffic, and having got that good understanding, to persecute anybody else?—We were told, when the Liverpool and Bury Railway opened, that the sympathies of the two railways were together, and against the canals; and from that time to the present, we have felt the full force of the remark.

1761. Then, practically, the sympathy of railway for railway is such, that the absence of an Act of Parliament sanctioning and regulating them does not practically operate on the case?—We should have had more difficulty in dealing with the two, if they had been amalgamated and only one interest to contend with, than having separate interests and different views to consider.

1762. Suppose they had been amalgamated, with the provision the railway witnesses suggested, and that there had been an arbitration before which you could have brought these questions of tolls, and by the revision of which arbitration upon those questions, both parties would have to be controlled?—The erection of such a tribunal would not remove the apprehension I should feel from such a state of things.

1763. Do you think that such an arbitration would prove, in practice, ineffectual for the purposes for which it was designed?—I should say so.

1764. You would rather trust, then, to the natural operation of things, if they are let alone, than to any security which it occurs to you Parliament can devise?—I do not think the present state of things is a satisfactory state of things; and I think, upon the contemplation of the possibility of these combinations, it would not be unjust in Parliament to make provision to meet the possible effect

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of them in some way similar to that which has been suggested for meeting the evils which might arise out of amalgamations.

1765. Then your proposal would be, to refuse to the railway companies the power of any further amalgamation, but to subject them to the control which has been suggested in respect of the powers which they have already obtained? —Generally speaking, that would be the effect of my evidence. I would be understood as drawing a distinction between two very different classes of amalgamation. I think that the public interest might be served by uniting in one continuous line different links in a chain of railway communication, with a view to giving efficiency to the whole. My objection applies to amalgamating rival systems of railway.

1766. What do you call a line beginning at London, passing through Rugby, and which goes to Leicester and Derby?—That is a continuous line.

1767. Is that an amalgamation, which according to your theory, would be admitted?—If you allude to the contemplated amalgamation between the London and North Western and the Midland, that is not the whole of it. It extends over a very much wider space of country; it embraces interests and objects, which are adverse, and diverse, to the interests of the London and North Western Company. The Midland extends beyond Derby.

1768. So also the North Staffordshire is a line beginning at London, and passing through Stafford, terminates at Manchester. The proposed combination between the North Western and the North Staffordshire would make a direct line to Manchester?—If the North Staffordshire Railway stood alone, disconnected from the canal, I speak without reference to any peculiar interest of the Bridgewater trustees, then I think it would be a legitimate amalgamation. My feeling is, that public policy opposes that amalgamation, because it would place the canal in the hands of the London and North Western Railway Company, to be used, very probably, adversely to the public interest.

1769. Then it is to a combination of canal interest with railway interest, rather than an amalgamation of railway with railway, against which you direct your observations?—Against an amalgamation of railways with canals, certainly. And against an amalgamation of systems of railway, when those systems of railway ought to play competing parts, in place of being put together, and so putting an end to the competition.

1770. In order to distinguish, as a matter of general principle, between lines which are competing lines, and lines which are not competing, but continuous, Parliament must lay down, if it can, some clear proposition. Now will it not be difficult, in the present state of railways, all the great trunk lines having branches in both directions, to say whether a line comes more properly under the definition of a competing line or a continuous line. Take, for instance, the case of the Midland Railway: is it easy to say with respect to the Midland Railway from Rugby to Derby, that it is not a continuous line from London to Rugby, although, in some other respects, branches of the one may be competing with branches of the other?—I think a little consideration would enable any one to lay down a rule which would not be difficult of correct application. I should say, if the Midland Railway were as you suggest, merely a line from Rugby to Derby, it would be a legitimate subject of amalgamation with the London and North Western. Taking the Midland altogether, I think it is taken out of the category, and would cease to be a legitimate amalgamation with the London and North Western Company. Take the London and North Western itself, which consists of a variety of lines, nothing could be more proper than the arrangement made to amalgamate all those lines together; but I do not think it would be a legitimate amalgamation to unite the Shrewsbury and Chester, and the Shrewsbury and Birmingham lines, with the London and North Western.

1771. Then I infer from your answer, that it must continue to be, as it has hitherto been, a matter for the discretion of Parliament in each particular case, and that you are not prepared to lay down anything like a general principle which this Committee could report to Parliament as its guide?—I think this Committee might state generally, that where two systems of railway were sanctioned by Parliament with a view to different objects, and not with a view of carrying out in union, the same object, that in that case, the rule of amalgamation should not apply.

1772. Could it be said, that the object of Parliament in sanctioning a line

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from York to Rugby was to carry passengers from York to Rugby, or would it not be rather true to say, that the object was to carry them to London?—I might find a difficulty off-hand, without consideration, to apply my principle to a particular case; but I still would adhere to the answer which I gave before, that I think, with consideration, you might apply the principle to each particular case.

1773. You think you might make a general rule so comprehensive, and yet so accurate, that if reported to Parliament by this Committee, and adopted by Parliament, it would be a rule for its guidance in Private Bill Committees?—I think if any particular cases of amalgamation were suggested, that it might be quite possible to apply the rule with sufficient accuracy to those cases.

1774. Mr. *Bright*.] For example, what would you say to the amalgamation with the Shrewsbury line and the Birkenhead line?—My opinion is in pursuance of the remarks I made before, that that is, in fact, part of the same system. They are a continuous line all the way from the Mersey to London.

1775. And they would get into communication with your establishment in Lancashire?—Yes.

1776. Do you know at all whether any arrangement has been made between the Bridgewater Trustees and the Great Western Railway, with regard to their lines?—There is an arrangement pending between the Bridgewater Trustees and the Great Western Company; and an arrangement exists between the Shrewsbury Company and the Bridgewater Trustees. But, before answering the question fully, I would allude to the implication that is conveyed by it. The fact of those arrangements did not in the least influence the answers which I gave to the Chairman's questions. I have endeavoured to answer those questions with reference to what appeared to me correct general principles. The fact is, that the arrangement was entered into by the Bridgewater Trustees with the Shrewsbury Companies in the course of last year, or the year before, for the conveyance of traffic from the termination of their navigation into those districts which lie about Wolverhampton, and Birmingham, and Dudley, and so on, and in contemplation of the possible application to Parliament, by the London and North Western Company, for an amalgamation with the Trent and Mersey Canal. Had it not been for that apprehended danger, we should not have thought of making that arrangement, but having a large traffic at stake, and feeling that it was quite possible that the Trent and Mersey Canal might be placed in the hands of the North Western Company, we thought it necessary to take that precaution for providing an outlet for our traffic.

1777. Are the Bridgewater Trustees by agreement, at present, the agents for the Great Western Company for the collection of the Lancashire traffic?—Yes, from Liverpool southward, and Manchester also.

1778. Then, by making that arrangement, there is now an additional channel for the large traffic between Liverpool and the south?—Yes.

1779. Can you describe any material difference between your course of action and the course of action of the railways; you said that the companies were quite justified in doing the best they could for themselves, according to the circumstances in which they were placed; if you are attacked, or menaced with attack, you defend yourselves, as in this case, and railway companies do the same?—Yes.

1780. Do you see now any plan which this Committee could recommend, or Parliament adopt, as a course that would put an end to that, with any real advantage to the public?—What you please to call an "attack" I should rather call competition. We are desirous of collecting the traffic; the railways are so too. We each exercise our best efforts to do so. I think it would be a very great misfortune if Parliament were to devise, or attempt to devise any means by which that state of things should be put an end to; and it is partly because I fear it would be the result of the amalgamations proposed, that I deprecate them.

1781. You think that beginning at London, and running along to the westward, to Bristol and Exeter, then a continuous arrangement to the north, by Oxford, Wolverhampton, and Shrewsbury, down to Liverpool, taking that vast portion of country, is a judicious thing in the case of the Great Western, yet you do not think the amalgamation of the North Western with the North Staffordshire would be advantageous?—No, that is not a correct representation of my meaning; that is not the answer which I have given. We were trying to lay

lay down a principle that should guide Parliament in granting these amalgamations. I contrasted the amalgamation of the Shrewsbury Companies with the Great Western, on the one hand, and with the London and North Western on the other. I said nothing as to the fitness, *per se*, of the arrangement between the Great Western and the Shrewsbury Companies, except in contrast with uniting them to the London and North Western, to which they were intended by Parliament to be antagonistic.

1782. Did you not say that amalgamations which were continuous, rather came within the principle which you recommended?—To that extent, and I adhere to what I said before.

1783. Your difficulty with the North Staffordshire is, that it has one great limb of its concern in the water conveyance, and you think that which has been harmless in the hands of the North Staffordshire Company would be injurious in the hands of the North Western?—I should apprehend so.

1784. If it should be shown, that provided the Trent and Mersey Navigation was not in the question at all, would not the amalgamation of the North Staffordshire and the North Western be very beneficial for public traffic?—I do not see any objection to it.

1785. But the North Staffordshire, and the Trent and Mersey, being now in one concern, do you think you could ask Parliament, on a vague idea of damage with respect to water carriage, to refuse the amalgamation between these two companies, from which great public advantage would seem to arise in respect of the conveyance of passengers?—That is not quite the way in which I put the proposition. I did not assume that a great public advantage would arise from the union of the two railways; I only said I thought, if the railway of the North Staffordshire line were not connected with the canal, the union of the North Staffordshire with the London and North Western would seem to be less objectionable. Undoubtedly it is for Parliament to consider on which side of the balance the public advantage lies. If there is less to be apprehended from interfering with the canals, by placing in the hands of the London and North Western Company the Trent and Mersey Canal, which is an essential part of the great system of inland water communication, than the advantages to be gained, on the other hand, by uniting the whole concern with the London and North Western, it will decide to take that course.

1786. Supposing that Parliament does not interfere, do not you imagine that the present voluntary arrangements between those two companies will continue, and that the inconvenience which you apprehend will be equally felt?—We do not feel any great inconvenience from the present state of things; and so long as the London and North Western, and the North Staffordshire, are independent in their pecuniary interests, I think we may rely upon the Trent and Mersey Canal being kept open for use.

1787. Without an Act of Parliament, cannot those two companies make an arrangement which would be as damaging and hazardous to you, as they could expect to be sanctioned by Parliament?—At the present moment, I do not think they could; but in answer to a question put by the Chairman some little time ago, I said that I thought Parliament ought to devise some means by which the public should be protected against the effects of illegal combination between parties situated in that way.

1788. Are you not agent for the property of Sir John Ramsden, in Huddersfield?—I am auditor Sir John Ramsden's affairs.

1789. Had he not a canal in that neighbourhood?—Yes.

1790. Where did it begin and where did it end?—It began at Huddersfield, and terminated at Cooper's Bridge, a distance of three miles.

1791. Was that the Cooper's Bridge station on the Lancashire and Yorkshire line?—Yes, it ran into part of the Calder and Hebble Navigation.

1792. Is that canal in the hands of Sir John Ramsden now?—No, it was sold to the Huddersfield Railway Company, when they commenced their works.

1793. Were you a party to the sale?—Yes, I effected the sale.

1794. And that was transferred by Parliament?—That was transferred by Parliament.

1795. Was not that, in some sense, a violation of the principle that you would lay down?—No, it was in this way; the Huddersfield Canal Company themselves went to Parliament for power to make a railway, between Huddersfield and Manchester, in opposition to a scheme which the Lancashire and

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Yorkshire Company at that time promoted, of running a branch up to Huddersfield, and there stopping. The Huddersfield and Manchester Canal, about to become a railway, negociated with Sir John Ramsden, to obtain his support in Parliament to this arrangement, which it was very much to his interest should take place; and he said he had no objection at all to do so, but they must buy his canal, and they bought his canal as part of the general arrangement. The Huddersfield and Manchester Railway Company as then constituted would have been a very small body, having an interest not much greater than the interest which they would derive from their canal, and therefore not antagonistic to it.

1796. Did you not manage to sell to that company that canal for a sum far beyond what it is ever likely to earn?—I do not know in the least what it is earning now. It was sold to that company for 20 years' purchase of its then income. I am not in the least aware what its income at the present moment is.

1797. Mr. *Laffan.*] Do you mean the gross income, or the net?—The net income.

1798. Mr. *Bright.*] It would appear then that your views are not very distinct on this question, except when the interests of the particular navigation with which you are connected are involved. I cannot learn from your evidence that you would recommend to the Committee any principle which they can adopt generally. You admit pretty much as you deny; but with respect to the particular navigation you represent, you apprehend great danger from the amalgamation of the companies to which you refer, that is, the North Staffordshire with the London and North Western?—The question is not an easy one to apply myself to, because it seems intended to imply a great deal to which it is very difficult to give an answer, such as I should be willing to make before before a Committee; but I have no difficulty at all in the views that I express to the Committee on the subject, that it is dangerous to unite great railways, such as the London and North Western, with the Trent and Mersey Canal. That opinion is not inconsistent in any way with the sale of a canal three miles long, which ran the risk of being greatly damaged by the construction of a railway, then proposed to be made by the proprietors of the canal to which it is an appendage, it is moreover quite clear that that canal of three miles long, placed under the restrictions which Parliament would impose on it as to tolls, could in no wise affect the general flow of traffic that previously took place in that direction along the canal. I must add that I came before this Committee with the view of stating what I believe to be the true principles that ought to guide Parliament in legislating on these subjects; but, in advising an individual as to the course which he ought to follow, with a view to his own private interests, placed in difficulties as that individual might be, by the existence of a false state of things which had more or less received the sanction of Parliament, I am bound to advise that individual to take the course which may consist most with his own interests.

1799. Then, in this case, you would recommend that the London and North Western and the North Staffordshire should not be allowed to amalgamate, because the North Staffordshire possesses the Trent and Mersey Navigation; is not that the conclusion to which you would come?—I would submit to Parliament to consider whether there was most advantage on the one side or the other.

1800. Did not you admit, at the beginning of your evidence, that there were clauses in the Amalgamation Act, or the Act of Sale between the North Staffordshire and the Trent and Mersey Canal, by which the interests of the public were supposed to be very narrowly guarded?—They were clauses framed by the Bridgewater Trustees, and put into the Act for the purpose of guarding the public interests.

1801. Might it not be concluded from your evidence, that general principles would scarcely apply in this matter, and that whenever a case came before a Committee, as for example, this very case, that the question of amalgamation should be decided on its own merits, without reference to what was done in other parts of the country?—I think it would be useful in guiding the decisions of the various Committees, who will have to consider these questions separately, that some general principle should be laid down, if possible, to assist them.

1802. Do you not see the difficulty of a general principle being laid down in this case? A general principle was adopted in the case of the North Staffordshire and the Trent and Mersey, which was found not to be very injurious to the public; guarantees were taken that they were sufficiently secured. Some

years

years afterwards a further amalgamation is asked for, and the first amalgamation is found, in your opinion, to be a bar to the second one?—I do not hold that the immunity from evil, which has followed hitherto the amalgamation between the Trent and Mersey and the North Staffordshire, has been derived in any way from the clauses to which I have alluded.

1803. But rather from the interest of the company?—Yes.

1804. *Chairman.*] You have spoken of the inefficacy of those clauses, and similar remedies provided by Parliament on similar occasions: you now propose, that although amalgamation be not allowed, yet, in respect of the existing powers, some more effective mode of obtaining a remedy for those who may consider themselves oppressed should be devised by Parliament?—Yes.

1805. Direct your attention to that part of the case, and state what mechanism you think might be efficacious for the purpose?—I think the great difficulties that arise, in connexion with the remedies at present in existence, are their distance from the spot where the evil occurs; their inaccessibility, without considerable difficulty, trouble, and expense, to the parties aggrieved; and the period that elapses before any practical decision can be obtained from their interference. As these combinations are generally intended to interfere with some local advantage or other, it would be better if we could obtain a tribunal which could be guided by local knowledge and local circumstances. It occurs to me to suggest something of this sort; that an application should be made to some local authority, for instance the county court judge. In order to make it take the shape of an arbitration, rather than a judicial inquiry, he should be aided by two magistrates of the district, one to be selected by either party; and I would suggest that a jury should be empannelled, who should assist in the inquiry. The verdict, or judgment pronounced, should not only have reference to the imposing of a penalty, but to costs and damages, on the person offending against what might be right; and if it had reference to the charging of tolls, or accommodation of any sort, they should be empowered to direct what tolls should be charged, subject to revision by some central tribunal, and they should be authorised to direct the making of any repairs that might be required by a navigation in the hands of a railway company; and if the railway company did not comply within a certain period, the repairs should be effected for them, and the costs and charges thereof recoverable in the county court. That is similar to a clause that exists in one of the Acts I have lying beside me.

1806. Mr. *Bright.*] Is the county court mentioned in the Act you speak of?—No; the Board of Trade is made the tribunal. Here are very special clauses, which one would suppose might be sufficient, in the Act incorporating the Huddersfield and Manchester Canal Company, and the Leeds, Dewsbury, and Manchester Railway Company with the London and North Western. The clauses are exceedingly extensive, and at the time they were thought to be sufficient to meet the exigencies of the case.

1807. Were they not?—The Committee has already had the evidence of Mr. Pixton, Messrs. Kenworthy's agent, which shows that they were inoperative.

1808. *Chairman.*] To what extent do those clauses differ from the recommendations you have made; do they contain anything about the tribunal?—No; they make the tribunal the Board of Trade.

1809. Will the difference between that scheme and the one to which you have referred in the suggestions you have made, be in the nature of the tribunal?—In the nature of the tribunal, and also that the decision of that tribunal, whatever it may be, should carry costs and damages with it, as well as the penalty.

1810. In short, you would have any tribunal you appoint not merely give damages for past grievances, but proceed in the nature of an injunction, to enforce a compliance with the spirit of its decree in future?—I would.

1811. Mr. *Bright.*] If the Board of Trade, having powers by that Act, has not been able to keep the Huddersfield line in proper order, how can you expect the county court judge to be more potent?—The Board of Trade, in point of fact, has never been invoked; and, I think, one can understand that persons situated as Messrs. Kenworthy are, would find great difficulty in invoking the aid of the Board of Trade, whereas if they could apply to a neighbouring county court, there might be found a remedy.

1812. *Chairman.*] May the sum and substance of your evidence be taken to be, that you altogether deprecate any further advances by Parliament in the direction

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direction of amalgamations among great railway companies?—The great competing systems of railway companies, constituted as they now are.

1813. Are the systems to which you refer, like that of the Midland, connected with the London and North Western, which might be partly competing, and partly continuous?—Yes.

1814. Mr. *Bright.*] Is that without reference to the fact whether there is any water communication in the case or not, and speaking only of railways? —Yes.

1815. Mr. *Henley.*] If there is only water communication, your opinion would be stronger, would it not?—Yes.

1816. Mr. *Laffan.*] You have said that no injury to you or your interests has followed from the purchase of the Trent and Mersey Canal by the North Staffordshire Railway?—No material injury.

1817. What tolls does your traffic pay on the Trent and Mersey Canal at the present time?—It pays various tolls; on one great branch of the traffic, the pottery trade, we pay 1½ *d.* a ton; on other portions of our trade, which consists of iron and goods, and is the bulk of our trade, we pay a halfpenny.

1818. A halfpenny per ton per mile?—Yes.

1819. You stated, that in the agreement you made with them, you inserted some clauses to protect the public interest?—No, those were clauses inserted in the Act which amalgamated the North Staffordshire Railway with the Trent and Mersey Canal.

1820. By whom were those clauses drawn up?—They were drawn up by the Counsel of the Bridgewater Trustees.

1821. And were intended to protect the interests of the public?—Yes.

1822. Did they provide that the same tolls charged by you should be charged by other carriers using the Trent and Mersey Canal?—They had no reference to the terms on which the parties respectively using the canal should be permitted to do so; but they were intended to restrict the railway companies from imposing charges on the canal, for the purpose of throwing the traffic off the canal, upon the railways.

1823. It has been given in evidence here that the Grand Junction Canal Company are charged a penny per ton per mile for the same description of goods on which you say you pay only a halfpenny a ton?—I am not aware of the fact.

1824. Was there anything in the clause you have mentioned to prevent such a state of things?—No, it was not directed to a point of that description.

1825. It specially protected your interests then?—No, it was not directed to carriers using the canal: the object of the clause of which I spoke was to prevent the railway company then obtaining the possession of the canal from making use of their power, as canal owners, to divert the traffic off the canal, and put it on the railway.

1826. Had it reference merely then to the charges on the railway?—Yes.

1827. And not to the relative charges made to the different carriers?—No.

1828. Mr. *Bright.*] Was there any opposition to the Bill under which you bought the Trent and Mersey Navigation?—It was not done by means of a Bill; Lord Ellesmere bought it himself.

1829. It was a voluntary amalgamation?—Yes.

1830. *Chairman.*] Then he is the holder of the canal?—It was subsequently transferred by Act of Parliament to the Bridgewater Trustees.

1831. Mr. *Bright.*] Was there not at the time some discussion in the Manchester papers as to the perils which beset the traffic from the monopoly Lord Ellesmere had?—I have no recollection of it.

1832. You said you had a tariff of rates between the London and North Western and the Lancashire and Yorkshire?—Yes.

1833. Does not that amount, as far as the public is concerned, to the same thing as amalgamation?—I think it is very different. I think every trade, to be conducted respectably, must be conducted on an understanding as to the charges to be made; it exists universally.

1834. Of course, as between one person and his customers, but not as between different manufacturers, or shops, or establishments, and the public?—I think you will find it to be the case by those who conduct the agency business of Liverpool or Manchester; they charge a certain sum for their brokerage; professional men all charge a certain sum, yet there is no absence of competition.

1835. There is a competition who shall do the business best, not who shall do

it at the lowest price?—Which is the most wholesome part of competition. I take it that part of competition, of doing the business best, is the one in which the public have the deepest interest.

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Charles Russell, Esq., called in; and Examined.

1836. *Chairman.*] ARE you Chairman of the Great Western Railway Company?—I am.

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1837. Have you been present in this room during the examination of Mr. Saunders?—I have.

1838. Do you concur, generally, in the views expressed by Mr. Saunders?—Yes. The questions of course are not new to us. The unfortunate relations in which we have been placed with the London and North Western Company have made these questions matter of frequent discussion at our Board; and I think that the opinions and views expressed by Mr. Saunders are a very fair deduction of the views and opinions entertained by us. Of course those views have, from time to time, undergone modification, because the circumstances under which we have had to act have been entirely changed.

1839. Having reference to those parts of Mr. Saunders' evidence, in which questions were asked him upon the inchoate combinations, or undertakings with your rivals, have you any wish to offer any observations to the Committee on that part of the case?—I believe that the arrangements of equal rates, as Mr. Saunders stated, are perfectly consistent with competition. I think that they are very similar to what actually occurs in almost every business. Take the analogous case of freights, there are, in point of fact, ruling rates of freight to every port of every kingdom. But, notwithstanding that, a vast amount of competition does arise, and so, I believe, in the case of railway companies, that in spite of mere equal rates, a very large and wholesome amount of competition can and will be maintained between them.

1840. Are there any other general observations which you wish to make upon the subject of the inquiries of this Committee?—I have no particular observations to make, further than to give a general concurrence in the opinions that were expressed by Mr. Saunders. They are the result of very constant deliberation at the Board of the Great Western Company. On the subject of amalgamation, I entirely concur with him that amalgamations of continuous lines are wholesome and even necessary for the convenience of public traffic. In districts where the population is not numerous or wealthy, I believe that amalgamations may be very useful. Competition in them would reduce, in all probability, the rates of charge; but although the public might travel at a cheaper rate to a certain extent, still for that advantage they would sacrifice many other important considerations, numerous trains, and perhaps safety. In large and populous districts, two lines of railway will more completely answer the ends and interests of the public, if placed under separate and independent companies. Those are the general views I entertain on the subject of amalgamation; and I believe they are the views that are entertained by the Board of the Great Western Railway Company.

1841. Mr. *Bright.*] Did you always hold those views about amalgamation?—Yes; I think I have generally entertained those views.

1842. The London and North Western not being in the position of a continuous railway, you would not consider that an amalgamation with that company would be advantageous to the public?—Certainly not. With reference to the arrangement of amalgamation proposed with the London and North Western and South Western Companies, in the year 1848, it must not be forgotten that at that time railways were literally on the point of bankruptcy. It was not for their interests only, but for the general commercial interests of the country, that some steps should be taken to save the expenditure of capital as far as possible. There were then many expensive lines still unmade, and we thought the amalgamation of those companies might be the means of saving much capital. We entered very sincerely into the arrangement for the amalgamation of the three companies, the London and North Western, the South Western, and ourselves; and I believe we were the only party which in the end really was sincere in seeking the amalgamation.

1843. Had not the difficulties which beset railway companies in 1847 and 1848, passed away in the latter half of 1852?—They had to a great extent.

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1844. Do you recollect making a speech at the half-yearly meeting of your company, in the month of August 1852?—Yes, I do.

1845. Do you recollect this paragraph: "If the legislature could be induced to adopt the views of the London and North Western, and to think that it would be wise to allow the complete amalgamation of these two great companies, and to rely for the protection of the public interests on careful restrictions and restraints, I, for one, should hail such an auspicious change in the public policy of the country as most advantageous both to the railways and to the public"?—I perfectly remember making those observations in the month of August 1852; I made them under a sense of the perpetual difficulty and distress that our differences with the North Western Company occasioned us. It is a state of such hateful warfare, that I should be happy to embrace any arrangement that would by possibility put an end to it; but, in the same speech, I stated distinctly that I did not believe the Legislature could, or would acquiesce in any such arrangement. I believe still further (and everything I have heard here confirms me in the opinion) that if the Legislature could be induced to give its consent to the arrangement, the railway companies, when they come to understand what it is they are to surrender for a mere nominal protection against competition, will almost universally decline it. That is my belief now, as it was, not erroneously, in 1844. But beyond this, an amalgamation between the London and North Western and the Great Western Companies is, practically, tantamount to an amalgamation of all the railways in the kingdom. Under such circumstances, I believe that it would become inevitable that the Government should assume not only the entire control, but the entire property in the railways. I think you have now to make your election; you must choose between the principle of private and Government enterprise. If you determine to continue the former, as you have hitherto done, you must leave to it the incitements and rewards that are proper to private enterprise, and which alone can make it successful and active. If you determine to take the railways into the hands of Government, take them at once and completely, and give to the system that energy and uniformity which belong to the centralization of Government administration. But do not palter between the two systems; I am satisfied if you seek to attempt any intermediate scheme you will fail. I look to the amalgamation of the London and North Western and the Great Western as leading inevitably to the railways becoming, under Government control, Government property; and I am not at all prepared to say, that with the means with which the Government will have the power to administer them, the interests of the public may not be promoted by such means.

1846. Then this paragraph which I have read from your speech, did not express really what your opinions were; you looked to something very much more than this. At that time you spoke only of the union of the Great Western Company with the London and North Western Company?—I spoke only of the union; but I had in my mind the results to which that union would inevitably lead.

1847. Had you in your mind at the time that the amalgamation of those two companies would lead eventually to the amalgamation of all the railways in the country?—I have always thought so; now, and on previous occasions, when the amalgamation of the three companies was in contemplation.

1848. What did you mean by "careful restrictions and restraints," because if, according to your opinion, which you did not express, the Government should take all the railways into their hands, of course, restrictions and restraints were not to be spoken of?—Of course I contemplated an intermediate period; but my expression was "reasonable restrictions and restraints." Restrictions that would be fair, and just, and reasonable to the proprietors of railways, and I do not think those now proposed are so.

1849. Do you now hold the opinion that the union of those two companies, which must be followed, as you say, by the amalgamation of all companies, and the handing over all these railways to the power of Government, both for direction and property, would be a change that you should "hail as an auspicious change in the public policy of the country, as most advantageous both to the railways and to the public"?—I should certainly hail it as a change that would be extremely advantageous to all those who have anything to do with the management of railway companies. Under such a change, looking to such results as I have pointed out, I am not prepared to say that it might not be made very beneficial to

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the public. If the public chose to purchase on just terms, and become the possessors of all the railways in the kingdom, with the means at their disposal of conducting them liberally, with the large staff of officers they might command, such a system might be made conducive to the public interests. But you must adopt one system or the other entirely.

1850. Are the Committee to understand that, amidst all the difficulties of this question, your opinion distinctly and decidedly is, that it would be advantageous for the Government to become the possessors of all the railways of the country, and to have them entirely under their direction and management?—These are very high questions, fit for the consideration of the Legislature, but scarcely questions on which I can be called to express any opinion, particularly when you are considering a totally different subject, and the whole current of the investigation has pointed to different objects.

1851. When I read you this paragraph, which to any person understanding English, means one thing, you stated that you spoke it with reference to something very different, and that, in point of fact, this did not explain all your policy and expectations; that the union of these two companies, although you did not mention it here, meant a union of all the railways, and that that would necessitate that the railways should become the property of the Government; either you must adhere to this, which is your present interpretation of it, or reject this; I should be glad to know what is your opinion now?—I think it is very hard to pin me to a minute expression used at a public meeting of that sort, under the pressure of the very great difficulty which we have all experienced.

1852. Do not misunderstand me; I do not want to pin you to a word; but I should be very glad if you would state that your opinions are modified since that time, or changed entirely, or that you hold them still?—I believe you must elect between the two systems; that either may be made beneficial to the public interest, but I am not, on the moment, prepared to say, on so large a question, which would be most beneficial to the public interest. Unquestionably, I should hail it as a most auspicious change in the public policy, as far as those who have the management and direction of railways are concerned.

1853. Then, at present, you do not recommend that an amalgamation between your company and the North Western should be permitted by Parliament?—I do not, unless Parliament is prepared to go much further.

1854. Suppose that this Committee does not recommend anything, and that we agree that the question is so complicated, that we do not see our way to any general principle of legislation, what will be the amount of mischief or damage to the country, or to railways, that you can picture to yourself?—I think the damage to the country and railways has been very much overstated; Mr. Laing stated it at 70,000,000 *l.*, and Mr. Stephenson more moderately at 50,000,000 *l.* I do not believe that it can in any measure approach that amount.

1855. But you misunderstood Mr. Laing; Mr. Laing did not mean 70,000,000 *l.* in the contests between different companies, but he meant overcharges for land, and so forth?—I was just going to say so: Mr. Laing included in that calculation all the expenses of Parliamentary contests, and all the foolish and absurd lines that were made, or proposed to be made, during the mania of the years 1845 and 1846. Now, that is entirely an exceptional case; I do not think it is to be set down against the railway companies as being the result of their work; the railway companies were the victims, and not the culprits, in that mania; I do not believe, although unquestionably the amount is large that was wasted, it would approach such a sum, or would be of any appreciable value whatever in estimating the general interests of the country.

1856. Now, for the future, supposing that we do nothing in this Committee, and that all the legislation goes on helter skelter, as it has gone on for many years past, do you conceive that any serious evils will arise to the public or to the companies?—No, I do not think any very great evil will arise; the public will continue to derive the benefit of that modified competition that occurs under equal rates; and the railway companies themselves will be protected from any serious evils by such agreements. The great error is, in supposing that there must either be reckless competition or rigid monopoly; I believe there is a middle term—that of equal rates—which meets the interests both of the public and the railways; and if you leave us to make arrangements of that description

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description for ourselves, I believe we shall go on very prosperously, and the public will be very well served.

1857. Then you recommend that Parliament should let you alone?—I think, if Parliament considers it right to continue railways as the subjects of private enterprise, they cannot do better than let us alone. If they think that the policy of the country should be changed, and a large amount of Government interference should be permitted, then I think they must go still further. They must be prepared to purchase our railways, and to assume the universal control of them throughout the kingdom.

1858. *Chairman.*] When you made that speech to your shareholders, you were speaking on a limited part of the question, which interested them as shareholders?—Exactly.

1859. And now you are giving evidence, you speak of the general public policy of the question; it is therefore not unnatural that there should be a different scope to the observations you make. You say that if Parliament would let you alone things will go on pretty smoothly, but you do not let us alone; you come here to amalgamate with the Shrewsbury and Chester, and the North Western come here to amalgamate with the Midlands, and Parliament has appointed us to hear evidence, and to endeavour to advise them as to the course which ought to be taken on these subjects: did your answer to the last questions mean that we should dissolve ourselves without giving any advice to Parliament on the policy of permitting such amalgamations as this?—It is not for me to suggest what advice the Committee ought to give to Parliament. If I was to advise Parliament, I should say every one of the cases to which you refer stands on its own merits; and although the tribunal to which they are referred is, unquestionably, to a considerable extent faulty, still you had better refer them to that tribunal than attempt any broad general principles, which I am quite satisfied will fail you in a number of most important instances.

1860. And notwithstanding the disastrous result, of leaving the controversy unsettled between the South Western and the Great Western, with regard to the Wiltshire lines; notwithstanding the experience you have had of the disastrous effect of leaving those questions to take their chance before different Committees, you still think, upon the whole, that is the best mode of proceeding that Parliament can adopt?—I am not prepared to say that the results were "disastrous." We were driven into an occasional conflict with the London and South Western Company, but no great evil, except some delay and expense, has resulted either to us or to the South Western, or, as I believe, to the public.

1861. Do you mean that the present state of affairs of the railway world is such that Parliament can with justice point to it as a proof of the wisdom and foresight of the past legislation of Parliament?—I am not one of those who think that past legislation has been so very defective as is generally supposed to be the case. I think that the evils that have occurred are inseparable from railways being made matter of private enterprise. The whole subject lies in this one question: are railways to be matters of private enterprise? If they are, such evils as have resulted will occur.

1862. Now you not only made this speech, a paragraph of which has been read to you, but you have to-day very naturally expressed the extreme severity of the circumstances in which you have been placed by your relations with the London and North Western Company?—I spoke rather of the personal annoyance it is to any person to be perpetually in hostility with his neighbours, with whom, in other respects, he would desire to cultivate friendly feelings.

1863. But, as a matter of public policy, the upshot of your opinion is, that upon the whole, whatever objection may exist to the mode which Parliament has hitherto adopted, no change which has been suggested is likely to be better?—I have heard none which I think likely to diminish the evils that have arisen.

1864. Mr. *M. Milnes.*] Have you any hope that contending parties, such as yourself and the London and North Western, will learn in any degree to mitigate the severity of the contests that take place between you?—I have no doubt they will, and that we shall come to arrangements that will be perfectly fair between ourselves and to the public, and put an end to it.

1865. What induces you to think that such a happy result will be arrived at now, when it has not been arrived at before?—I think every day brings us nearer to it. In consequence of the annoyance, inconvenience, and trouble, we are all anxious

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anxious to come to peace. I believe there is an earnest desire in the London and North Western and the Great Western to come to some amicable arrangement, if any fair and reasonable terms can be settled between us.

1866. Mr. *Laffan.*] Do you think you would agree to any terms which shut you out from Lancashire and the Mersey?—Impossible, after having been forced into an enormous expense in carrying a line to Birmingham and Wolverhampton, which was not, in the first instance, of our seeking; after having spent 4,000,000 *l.* or 5,000,000 *l.* in that undertaking, it is indispensably necessary, both to ourselves and to the public, that we should have an outlet for our traffic.

1867. Do you think that that is necessary before an understanding could be arrived at?—Yes.

1868. After that, would an understanding be arrived at?—I believe that is the sole obstacle to a perfect understanding with the North Western Company.

1869. The Shrewsbury alliance is the only obstacle?—I believe the Shrewsbury alliance is the sole obstacle to a final arrangement between the two companies.

1870. Mr. *M. Milnes.*] You therefore look forward to the time when you and the London and North Western shall be both competing lines, occupying the country between London and Liverpool, with all the advantages to the public of competition, and with profit to both companies?—With such competition as I have described, I have no doubt, if Parliament this very year settles the Shrewsbury question, there will no longer be any serious difference between us and the London and North Western Company.

1871. You do not think it is possible you may be both ruined by the event?—I do not indeed.

1872. Do you speak of that as almost the termination of your scheme in that quarter, that there would be no intention to force you into competition still further?—I cannot answer for the consequences if we go on, but I am sure it may be easily made the termination of our schemes now.

1873. *Chairman.*] Do you think any man living in 1853 can tell what will be the policy, or aims, or objects of rival companies five years hence?—Of course that is a matter of very great uncertainty, but I believe that arrangements might have been made, and may be made, with the London and North Western Company, if that single obstacle were removed. That is my firm conviction, and always has been.

Mercurii, 9° die Martii, 1853.

MEMBERS PRESENT.

Mr. Cardwell.	Mr. Deedes.
Mr. Henley.	Mr. Laffan.
Mr. Labouchere.	Colonel Mure.
Mr. Strutt.	Captain Jones.
Mr. Bright.	Mr. W. Patten.
Mr. E. Denison.	

THE RIGHT HON. EDWARD CARDWELL, IN THE CHAIR.

Thomas Bazley, Esq. called in; and Examined.

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1874. *Chairman.*] ARE you the Chairman of the Chamber of Commerce of Manchester?—I am.

1875. Although you are not authorised by that body to state their sentiments to this Committee, are you pretty well acquainted with what those sentiments are?—Yes.

1876. The question particularly referred to this Committee, is the question of the amalgamations proposed by certain railway companies to be entered into between them respectively; state your opinion to the Committee as to the policy, on the part of Parliament, of permitting such amalgamations generally to take place?—I should be opposed to any amalgamation that would give a

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purely monopolizing power on the part of any railway company. I should not be unfavourable to the extension of powers to railways, for the purpose of acting in harmony, provided there were some inspecting power that would keep such companies within the limits of their prescribed Acts of Parliament, and which would compel them, at the same time, to consult the convenience of the public.

1877. In short, if monopoly be obtained by railways, under the present law, or be conceded to them by any future law, then security ought to be taken to ensure that the rights of the public shall at all times be protected?—Clearly.

1878. Are you of opinion, from past experience, that the principle of competition does secure the public against combination and practical monopoly on the part of the railways?—I very much fear that the competition which has existed, has rather tended to public inconvenience than to public convenience, for sometimes railway companies, for the purpose of annoying each other, have annoyed the public at the same time; and, in a state of competition, railways very rarely can be made to consult the convenience of each other, and therefore they do not consult at the time the convenience of the public.

1879. Is it your opinion that the communications of the country should not be separated, as they are now, into separate interests, but that there should be a perfect facility of passing at all times from one part of the country to another, irrespective of the private interests in which such lines of communication may be vested?—I do think so, under some system of superior inspection and direction.

1880. It has been stated that there are, between Liverpool and Manchester, three lines of railway, more or less direct, and three lines of canal more or less direct; and yet, that at the present time there is practically no competition between Liverpool and Manchester for the carriage of passengers and goods?—I believe that to be substantially true.

1881. It has also been stated, that throughout the whole of the populous district of Lancashire and Yorkshire, in the centre of which you reside, there being innumerable lines of railway, originally promoted by independent companies, yet there is, virtually, no competition, but, on the contrary, perfect understanding and combination?—That is very probable, but I am not intimately acquainted with the private regulations of railway companies.

1882. But do you, at Manchester, experience the benefit which fair competition would naturally be calculated to secure to you?—I should say not.

1883. In a general way, state the inconveniences under which the people of Manchester labour, by reason of the want of that freedom of intercourse?—I think that, generally, railway companies, in arranging the times for the arrival and departure of their trains, do not consult the convenience of the public so much as their own; and they very frequently, where they are not upon good terms with rival companies, purposely arrange the arrival and departure of trains to the inconvenience of rival companies, rather than the convenience of the public.

1884. Are you acquainted with the line of the North Staffordshire Railway?—Very slightly.

1885. Do you know, in point of fact, that the direct line from Manchester to London would traverse some part of the North Staffordshire Railway?—I am quite aware of that fact.

1886. Have the full facilities of a direct line been given to the people of Manchester?—I apprehend not.

1887. What has been the cause that the people of Manchester have not been permitted to travel by the road which Parliament sanctioned, as the nearest road from Manchester to London?—I am not acquainted with the facts; but I apprehend that railway jealousies may be said to be the cause.

1888. Is it the fact that the Manchester passengers have been carried round over the line of the London and North Western Company, whereas, if they had gone the nearest way, they would have passed over the line of the North Staffordshire Company?—Certainly.

1889. Is it unreasonable to attribute that to the circumstance that the transit from Stafford to London was in the power of the London and North Western Company, and not of the North Staffordshire Company?—I should think it was not unreasonable.

1890. Are you aware that a proposal is now before Parliament for an amalgamation

mation of the London and North Western and the North Staffordshire?—I am not acquainted with the nature of that proposal.

1891. But you are generally acquainted with the fact?—I am.

1892. Looking exclusively to the interests of Manchester, and having no regard for the present to the interests of any particular railway company, what should you say was the true interest of Manchester in regard to the union of those two companies?—It is clearly the interest of Manchester that it should have the most direct and speedy communication with every possible place it desires to reach.

1893. You have not had that advantage under the former system?—Certainly not.

1894. If, then, Parliament should sanction such an arrangement as the companies are asking for, would you not desire that some efficient securities should be taken on behalf of the public interests of Manchester?—Unquestionably. I think that no extension of power should be given to the railway companies, without some public security being given, that is, some security for the public.

1895. Are you of opinion that the community of Manchester would be gratified by finding that Parliament had determined to impose upon the railway companies regulations, which should prevent railway companies from carrying passengers a greater distance than they need to go, and should secure to passengers the right of travelling by the most expeditious and convenient route?—I would not presume to speak for Manchester without authority on such a question; but I may state my individual opinion as being decidedly in favour of the necessity of such controlling power as would give a facility to Manchester of going by the most direct route.

1896. Though very naturally prudent with regard to expressing the opinions of others, have you any particular reason to doubt that such would be the general opinion?—I have no reason to doubt it.

1897. In respect to the carriage of goods, is it not of great importance to a town like Manchester, that there should be the most perfect freedom of communication with almost all parts of the kingdom?—No doubt of it.

1898. Do you believe that the facilities which a well-ordered railway system might afford for the universal interchange of commodities through the country have been yet attained on the present system of railway communication?—I do not think they have.

1899. Do you believe that that is owing to the jealousies and private interests of the companies, rather than to any insuperable difficulties in the case?—I should say, that a twofold cause had prevented the extension to the public of all the conveniences in the transit of goods; but, in some cases, the railway system has not been sufficiently matured, and, in other cases, the jealousies of companies have prevented that convenience.

1900. Looking generally to the system of Parliamentary legislation, is it your opinion that the public good is most likely to be attained by leaving the companies of which you have spoken to throw out new branches, as it may happen to suit their own purposes, or that some more comprehensive mode of considering railway communication, without regard to the jealousies and private interests of companies, might be very beneficial to the public?—I am strongly of opinion that there ought to be a controlling power.

1901. For the purpose of regulating, among other things, lines that new railway communications ought to take?—Certainly.

1902. Are you of opinion that the 300,000,000 *l.*, or thereabouts, which, it has been stated, have already been expended in the construction of railways, ought to be regarded as anything like the limit of railway expenditure, or whether, on the contrary, it is not reasonable to suppose, that in the next 20 years, a very considerable additional amount of expenditure may be required to meet the increasing traffic, and the new requirements of new communities?—I think that a further and very considerable investment will be called for in railways.

1903. If, therefore, the plan which Parliament has hitherto pursued has been attended with wasteful expenditure, it would be discreet in Parliament to adopt some new plan by which that wasteful expenditure might be avoided?—I think so.

1904. Has it occurred to you to consider generally, of course you are not asked for all the details, which probably you may not have considered, the

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principles upon which Parliament should be guided in regulating the intercourse of men and goods throughout all parts of this kingdom?—It has not.

1905. Do you condemn the present system?—Certainly.

1906. Do you think that there ought to be, in the hands of Parliament, or of some body responsible to Parliament, a power to be exercised, from time to time, on behalf of the public?—I do.

1907. But beyond that you have not considered the machinery that it might be necessary to exercise?—I am not prepared to submit any proposition or suggestion.

1908. Are you of opinion, that if the general principles were settled by Parliament, and the general administration were entrusted to the Executive Government, that the arrangement of details, in which the pecuniary interests of different parties were concerned, might be provided for either by arbitration, or by some judicial process to be carried into effect in the country, and where, therefore, the interests of both parties might be fairly heard and considered?—Not entirely without the supervision of some superior Board.

1909. But that supervision being exercised to a moderate extent, might not the principle of arbitration, or local inquiry where evidence could be heard, be safely appended?—There would be great advantage in appealing to arbitrating tribunals.

1910. Is it your opinion, that the difficulties which obviously attend so great and so complicated a question as this, are difficulties which would be impossible, by prudence and discretion, to surmount?—By no means.

1911. Are there any other points connected with the subject which you wish to speak to?—Not any other.

1912. Mr. *Henley*.] Are you conversant with railway management?—I am not.

1913. Are you interested in railways?—I never bought a share, and never applied for a railway share. I possess a little family property in them, which I have obtained by bequest.

1914. In answer to questions put to you you have stated, that you wish a controlling power should be established, but that you are not capable of saying what plan it should be upon, or are you ready to say upon what principle it should be founded?—I would say, in reference to that inquiry, that it was matter of very great regret generally in Manchester, and to myself individually, that the Board of Trade did not retain that supervision, which it once possessed, of the railway system; and we regretted exceedingly that the correcting power, which seemed to be once in the possession of the Board of Trade, was abandoned. We have a general impression that the railway system should have some controlling and superior directing power, to compel railway companies generally to conform to Acts of Parliament; but as I understand, at the present time, fresh powers are sought, and those powers of considerable magnitude, I would submit that they ought not to be granted, unless there be at the same time established some superior and inspecting power that will keep the whole system right.

1915. Then, are the Committee to understand that your answers had reference more to the controlling power, to compel the performance of conditions imposed by Acts of Parliament, or that the controlling power was to be exercised with reference to the wisdom or otherwise of any future line of railway that might be wished by the public?—My replies have been altogether of a precautionary character; I would not propose to the Legislature any specific plan; I think it is competent of itself to devise a scheme which shall protect the public in all cases; but I do think it is the duty of the Legislature to protect the public.

1916. The question was, whether the general answers which you have given are to be taken as applying solely to a controlling power in the Board of Trade, or some other public department, to compel the several railway companies to carry out the conditions they entered into with Parliament, or whether you meant that answer to apply to new lines, if any should be sanctioned by Parliament?—I think that any future regulations should apply to the whole system.

1917. Both one and the other?—Both one and the other.

1918. You have stated that no real competition existed between Manchester and Liverpool, although there exists three railways and three canals?—I understand it to be so.

1919. At what period were the three railways made; in succession one to the other?—I have not the power of answering the question.

1920. Were they made simultaneously, or one after the other?—They were made one after the other, of course.

1921. It is within your knowledge what was the rate of freight that was paid for goods on canals before the railways were made?—I think I have some slight recollection, and I apprehend higher rates were paid by water and land communication than by railways.

1922. Was the effect of the first railway being established, to lower the rate of charge on canals to the public?—I think it was.

1923. Has there been any succeeding diminution of charge since the other railways have been established?—I think no material change; there have been fluctuations.

1924. Is it in your power to give to the Committee any rates of charge that have been paid from time to time?—I know they have fluctuated from 5*s.* to 10*s.* per ton.

1925. Is 5*s.* to 10*s.* per ton the whole price, or is it a fluctuation from 5*s.* to 10*s.*?—The fluctuation has been from 5*s.* to 10*s.*, 10*s.* being about the regular price.

1926. In point of fact, it is 100 per cent.?—Precisely.

1927. And that has been sometimes up, and sometimes down?—It has.

1928. When it has gone down, the public have benefited?—No doubt of it.

1929. And that has been the effect of some competition?—Yes, it has so, from what I call the jealousies of the parties, for the moment, the public have had the advantage; but generally the prices have been depressed a very short time.

1930. What proportion does the 10*s.* per ton bear to what the price was before the railway system commenced?—I am not prepared to answer that question specifically, but I should say it was something lower, although not very importantly lower.

1931. You have stated that you think Manchester suffers now from parties being compelled to be carried round, instead of going by the North Staffordshire Railway, which is more direct?—Yes.

1932. What power should you wish to entrust to the Government Board which you have suggested, as to making railways run trains over lines that were not profitable to them?—I have not been thinking over the subject with a view of concocting a scheme, therefore I would rather not hazard a conjecture.

1933. Yet, without having thought over any scheme, you give a general opinion, that power should be taken to compel those parties to work in a certain direction, whether it suited them or not?—I think, in the main, that railway interests will be identified with public convenience.

1934. Why does it happen that the public interest, and the railway interest at present, does not produce the result you wish?—Railway directors will be able to answer that question better than I can.

1935. You cannot suggest any security further than this Government Board, although you think there is no existing security?—I do not think there is sufficient existing security, and I believe the Legislature could suggest and enact something that would be an ample protection to the public.

1936. You think it possible, but you are not prepared to suggest anything?—I could not without further deliberation.

1937. Mr. *Bright.*] Looking at all the railways that run from Manchester to the surrounding towns, and to greater distances, would you say, on the whole, that railway companies did not afford very ample and complete accommodation to the public, as to the number of trains, and the general moderation of their fares, as compared with other parts of the kingdom?—I think we are greatly indebted to the railway system. I think the causes of complaint are exceptional, but sometimes interests clash.

1938. Mr. *Henley.*] Is the Committee to understand, that in your opinion the public would have been better served by a central authority doing all the things that have now been done, rather than by means of private enterprise?—I am not prepared to answer that question exactly.

1939. *Chairman.*] When you said what has been done, you did not mean either as to the past, or the future construction of lines?—No.

1940. Mr. *Henley.*] You express no opinion on the point, whether Government arrangement,

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arrangement, or private enterprise, on the whole, would be most beneficial? —I did not express any opinion.

1941. *Chairman.*] You have been asked as to the prices having been reduced; within the last 20 years, what has been the average reduction of prices in Manchester manufactures?—They have fluctuated very much.

1942. Has the reduction of charges on Manchester manufactures been more considerable than the reduction of carriage between Liverpool and Manchester? —Yes.

Edmund Denison, Esq., a Member of The House; Examined.

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1943. ARE you acquainted with the former evidence, which having been taken by this Committee, has been reported to The House?—No, I have not seen it.

1944. Are you not acquainted with what has been passing in this Committee? —Not with one word.

1945. Then I must ask you, generally, what are your views on the subject which is chiefly referred to us, the subject of railway amalgamation?—Does the question refer to such Bills as are before the House for the amalgamation of certain railways, or to the general subject of amalgamation?

1946. We had better ask you, first, as to the general subject; we can ask you afterwards with respect to the separate plans?—I think certain amalgamations may be very desirable; others may be very objectionable. Therefore each proposal for amalgamation should stand on its own merits.

1947. Do you think it possible to sanction very great amalgamations between companies, for instance, having, on the one side, 30,000,000*l.*, and on the other side, 15,000,000*l.*, without taking a great step in the direction of universal amalgamation?—If such an amalgamation as the one you have alluded to should take place, I do not see how Parliament could object, or the shareholders of other lines avoid being amalgamated. It would inevitably lead to a general amalgamation.

1948. Do you think that general amalgamation would be desirable, or otherwise?—Very undesirable as regards the public, unless the greatest precautions were taken by Parliament. Perhaps such amalgamations might be advantageous to shareholders, but as regards the public, in my opinion, they would be very disadvantageous, unless very specially guarded.

1949. It may be taken for granted, that any such amalgamations, if sanctioned by Parliament, would be specially guarded. Can you state, in a general way, any guards and precautions which might be effectual for the purpose?—Nothing short of the establishment of a Railway Board of Control, having very ample powers; much larger than they ever had, and to such an extent that they should, in fact, have complete control over the machinery of the railways. Without that, I think it would be exceedingly dangerous, as regards the public, to let such amalgamations proceed.

1950. By a complete control of the machinery, do you mean a complete control in the way of authority, or do you mean that the servants actually employed in carrying out the details of railway management should be the servants of the Government?—The subject is so important, that I have written down my views upon it. I think, "That a Railway Board of Control should be appointed, which should have power to see carried into effect, according to the best of their judgment, the intentions of Parliament, and the object of the promoters of every railway; and to arbitrate and decide, in case of any dispute between railway companies, but not otherwise, how the traffic between all places should be conducted, and upon what terms, rates, and conditions. That all agreements between companies respecting traffic should be subjected to the approval or disapproval of such Board. That the Board should have power, and that it should be part of their duty, to send inspectors over the railways for the purpose of seeing and reporting the condition of the permanent way, carriages, &c.; and it should have power to make and enforce such orders for amendment or alteration as it may think proper. That it should hear all complaints of parties and the answers in open court. That it should have the power to regulate the time of starting trains; and that it should report to Parliament, from time to time, what legislative measures it would be advisable to adopt." The reason why I have made observations on the parties being heard in open court is, that I have had some

experience

experience of the great inconvenience arising from Railway Board officers, with the best possible intentions, first hearing one party *with closed doors*, and then hearing the other; and deciding on the case without the parties knowing why. They laid themselves open to the greatest possible suspicion, and I have no difficulty in stating that that system was the cause of the Railway Board of 1845 raising public indignation against it.

1951. Mr. *Bright.*] Do you conceive that the hearing of these cases of dispute in open court, both parties being present, is absolutely indispensable to the working of any such system as that you recommend?—Yes; I mean that in case a complaint is made to such a Board, that they should give notice to the parties, "There is such a case stated which affects you: you must come and answer it."

1952. Do you conceive that that publicity, and that fair hearing in the presence of each other, is necessary to secure the permanence of such a Board; and that, unless that was done, it would meet with the same opposition as before, and again, in all probability, be obstructed and overthrown?—Yes; but I mean it to be a court of appeal, where both parties can be heard.

1953. Is it your opinion that it is indispensable, in order to secure the concurrence of the railway companies in the powers of such a Board, and a ready obedience to its orders, that whatever is done as between one railway company and another, or between a railway company and any portion of the public, should be done openly, and not by different deputations as before, which is the system you complain of?—I should not care about its being an open court, so long as both parties are heard.

1954. In the presence of each other?—In the presence of each other. I have no doubt that if that system were adopted the parties complaining of each other would refer their respective claims before they came to the Board of Trade. I only mean it to be a superior Board, armed with ample powers to settle disputes, and to issue general regulations.

1955. You know what a certain practice is that generally goes by the name of "ear-wigging"?—I do.

1956. Is it your object to get rid of that obnoxious system?—Quite so.

1957. And to bring everybody to agree to the working of this Board of Control, because it shall be open and fair, and all parties shall be freely heard?—That is my object.

1958. *Chairman.*] Are you of opinion that there would be an insuperable difficulty in finding either persons holding judicial situations through the country, such as county court judges, or other persons who might be employed to sit in public, to hear both sides, and to come to a decision under the instrumentality of the central executive Board?—I think such matters should be thoroughly understood by the parties who have to adjudicate; and I doubt whether any persons but those who have had considerable experience in the disputes between railway companies, would be competent to form an opinion that would gain any respect; and therefore as to county court judges, I should think they were very unfit persons to deal with such subjects.

1959. County court judges were mentioned, because there might be questions which were peculiarly of a financial character; if there were questions of management, it would be natural to select as an arbitrator a person of the kind you have described, familiar with the management of railways. But what was wished to present to you was, whether it would be difficult, in cases of strife arising either between two railway companies, or between a railway company and the public, for the Executive Government to select a person acceptable to both parties, competent to the duty, commissioned to hold a public inquiry, and to bring the matter to a settlement?—The Executive Government might find such persons, and they might be appointed for that purpose. They should be the agents or officers of the Executive Government, and bound to report to them from time to time all their proceedings.

1960. But no person, however pure his motives, and however intelligent as regards the capacity that he possesses for the conduct of business, is equally fit to be an arbitrator or judge in all matters; inasmuch as he may have had occasion previously to record an opinion which would be held to bind him on the particular subject in dispute. Would it not, therefore, be more convenient that those disputes should be settled by persons whom the executive might select in such cases, rather than they should be left to be selected by persons who might, being permanent officers in the course of time, be considered to be committed on one side or the other?—

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other?—The executive might undoubtedly select men whom they might trust; but in matters of this description, which would be of the character of arbitrations, the parties selected, or sent down, ought to have a thorough knowledge of the subject which they are to hear and adjudicate upon; and therefore the chief executive, assuming that there are three or four officers in London before whom these subjects are periodically brought, would become by degrees so familiar with them, that they would dispose of a question very rapidly, and I should think with more satisfaction, than by sending down A, B, C, or D, who might not have the same amount of knowledge which they have.

1961. Take as an instance the question of the broad and narrow gauge; if we were to select almost any one of the most eminent civil engineers in this kingdom, would it not be a matter of certainty beforehand which way that individual would decide, if the question referred to him were the gauge question?—I should not send a civil engineer to investigate such a case. That is a matter of so much importance to all the parties, that it ought to be heard by a Railway Board, consisting of two or three first-rate men of high standing; and I assume they would be men who would obtain public respect, by deciding impartially. They might call in the assistance of any civil engineer, but according to my view of the case, that would be a matter which ought not to be referred to a civil engineer, or to an inferior officer. I would run all the risks of putting the whole power under an efficient Railway Board of Control, leaving them from time to time to deal with the cases as they arise; they might get wrong, as judges sometimes do.

1962. Then, as chairman of a great railway company, you would prefer being obliged to go to this particular tribunal, of which you have spoken, rather than having, together with your opponent, a voice in the selection of the arbitrator by whom the dispute was to be settled?—Decidedly.

1963. Are you of opinion that such a scheme as that which you have suggested would be effectual for securing to the public all the advantages which they have a right to obtain?—I should put so much power into the hands of such a Board that they would be able to protect the public in all respects as well as shareholders from the effects of disputes between directors of different railways.

1964. Then suppose it were admitted, for argument's sake, to be possible to construct that tribunal, would you then, speaking generally, and on the widest scale, be in favour of or against amalgamation?—I should not fear amalgamation then.

1965. Do you think it would be to the advantage of the public, then, or not?—I do not know that it would be disadvantageous to the public. There is hardly any subject that is now under the direction of directors, which ought not to be subject to the control of such a Board, so that that Board might use their judgment in carrying out the intentions of Parliament, and the intentions of the promoters of any particular railway.

1966. Mr. *Labouchere*.] Do you mean subjects relating to the public convenience should be gone into minutely, and settled by this Board?—If they cannot be settled without; I should have it as a court of arbitration or appeal. I believe, if this Board were established, an immense number of things that might by possibility come before them, would be settled by arbitration, or without coming before them.

1967. Do you think there would be no danger in transferring so much of the details of the management of a railway from the directors to a Board of this description?—Not the least; I believe the directors would act as actively, vigorously, and honestly with that Board as at present.

1968. Do you think there is no fear of directors of the railways in this country having a very powerful interest on the part of the public, combining to resist any practical assertion, on the part of a Board, of this power which you propose to give them?—That bears on the question of amalgamation. If you allow a very large amalgamation to take place, I do not know what sort of political feeling might arise, which might be felt in the House of Commons. That is an argument against amalgamation.

1969. Mr. *M. Milnes*.] Would you not see some risk in so dividing the responsibility, that the directors of railways might not feel themselves so answerable to the public as they now must do, and therefore, that between these two authorities the public would hardly be as well protected as at present?—I do not admit it would be a division of responsibility. I should keep the responsibility as strongly upon the directors as at present; but I should add to the power over

over them; they quarrel now about passengers and goods, and unless there is some central authority put over them, or they are amalgamated together, they will go on quarrelling, and in the meantime the public will be put to great inconvenience, and the shareholders will suffer.

1970. When speaking of this tribunal as a court of appeal, between what parties do you intend the appeal to lie?—Anybody who chooses to complain to them, either of one transaction or the other. For instance, parties having railways north of the town of Leeds, bring their trains into the town of Leeds so as not to suit other trains going out. The public complain, Members of Parliament and others have complained to me, over and over again: saying, "I see a train going out of Leeds just two minutes before I get in." There is no power to control the parties to whom either railway belongs, or to compel them to make such arrangements as will accommodate the public. Now one of the effects of a Board would be, to compel directors so to regulate their trains that the public can travel from one end of the kingdom to the other without inconvenience, and that they should not be compelled by the caprice of directors to stay two hours, and wait for another train.

1971. Mr. *Bright.*] Is the case you speak of the case of the Leeds and Thirsk?—Yes and others.

1972. Will you state your opinion as to the reason why the Leeds and Thirsk line persists in that arrangement which is so unfavourable to the public?—As the Honourable Member presses me, I will state the reason. I suppose they do not like the passengers to have the chance of going to London by the Great Northern Railway. They prefer their going by the Midland, and the London and North Western Railways, which railways, in some instances, start half an hour after the Great Northern trains have started.

1973. They arrange their trains with the Midland and North Western, and not with the Great Northern?—Yes.

1974. There being two or three lines south of Leeds to London, that line, as an independent company, could hardly be expected to run so many trains as to bring a train in precisely at the time that the Great Northern trains start; there might not be so many trains on the Leeds and Thirsk?—Very few minutes would make all the difference. If it were to cause an alteration of an hour or two, that would be unreasonable; but where the trains are running in and out of a town, within two or three minutes of each other, and where it is as clear as anything can possibly be, that it is done for the purpose of preventing parties having the benefit of either line, that is an unreasonable arrangement with regard to the public.

1975. Is not the Leeds and Thirsk in this position at the north end of its line, that it runs into the York, Newcastle, and Berwick, and therefore cannot act precisely as an independent company, but is obliged to consult the convenience of the trains at the other end, as well as at this end?—That may be so; I only state the effect of what I am told in Leeds. I would rather have been excused mentioning any particular railway, because it certainly does occur on a great number, not only in the neighbourhood of Leeds, but various other parts of the country.

1976. Have you not been acquainted with cases where that has occurred and gone on for some period, and then the good sense of the directors, and the pressure of public opinion, and the general tendency to do what is right rather than what is wrong, has remedied this grievance without the necessity of having some superintending control, which should immediately insist upon another arrangement?—Some of those inconveniences have been removed by consideration and lapse of time, but a great number of them exist at present.

1977. Mr. *Labouchere.*] You have stated what you consider an extreme case; does not your proposal go to this, that this central authority should have the power of fixing the time of the departure and arrival of all the trains, on all the railroads, in this country?—Yes; if a complaint is made to them of the public being put to inconvenience.

1978. Do you think that could be done without taking away from the directors of railways the management and responsibility of their respective railways?—I do.

1979. Mr. *M. Milnes.*] Do you think that, practically, the interference would not be very great?—No, very small.

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1980. Give your reasons for thinking so?—Because I believe, such a controlling power existing, the parties would make arrangements among themselves.

1981. Do you think such an interference would act on the great questions of public security; for instance, such as the much agitated question of the possibility of having a communication between the guards and the drivers, and matters of that kind; do you think that, with a general court of appeal, such a question as that would have come to a satisfactory result before this time?—That is a matter that ought to be settled. I do not think there is any great difficulty in it. But unless you have a controlling power, you cannot get a uniform system adopted.

1982. You are no doubt aware that the attention of a great many men, both practical and scientific, has been given to that subject for a considerable period?—I understand so.

1983. Do you think, therefore, that the result would be more satisfactory if there had been some Board which should absolutely have the power of commanding such and such an experiment to be tried?—No; but a great number of experiments will be tried with or without such a Board.

Mr. *Seymour Clarke* called in; and further Examined.

Mr. *S. Clarke*.

1984. *Chairman.*] CAN you give the Committee any information as to the progress which the railway companies are making, in adopting a system of communication between the guard and driver?—Yes; when the question was brought prominently before the railway companies, certain of the general managers of the leading railways were formed into a committee to try experiments, with a view to report to the quarterly meeting of the railway clearing house, which is sitting to-day, the best mode of effecting a communication between the guard and driver. That report will be presented to-day, and I have no doubt will be recommended by the chairman of the railway clearing house for the general adoption of the railway system; and we conclude our report by saying, that unless it is adopted generally it will be impracticable.

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1985. *Chairman.*] YOU have been asked, taking the illustration of the Leeds and Thirsk Railway starting their trains so as to be three minutes wrong for the Great Northern trains, whether they are not influenced by the fact that, at the other end of their line, they run into the York, Newcastle, and Berwick?—Yes.

1986. Now, is that influence connected with the time at which they would meet the York, Newcastle, and Berwick trains at the other end, or is it an influence connected with their being in the power of the York, Newcastle, and Berwick, and, therefore, obliged to consult their pecuniary interests?—I cannot tell what is the influence; I would rather speak only of facts.

1987. But, in regard to the first part of the alternative, the fact of meeting the York, Newcastle, and Berwick trains at the other end, do you think that human ingenuity could so contrive that the three minutes might be got over at the other end, and yet the object of the first end might be attained?—I should think it might.

1988. I was endeavouring to obtain from you your exact opinion upon the amalgamation supposed to be accomplished under the control of which you speak, you said it would be no disadvantage to the public, but I did not accurately gather whether you think it would be a considerable advantage to the public or not?—No; I do not think that it would.

1989. Are you of opinion that the present state of things, notwithstanding those three minutes at the stations and junctions, may be left to work its own remedy?—Yes.

1990. And that eventually things will find their level?—I think the great objection to large amalgamations would be, that directors and officers would lose a great deal of their present inducement to exert themselves; and it would do away with all competition, which, I think, it is desirable to uphold. There is plenty of room in the kingdom for two or three, or more, great systems, which would compete with each other, wholesomely for the public, and advantageously

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to themselves, but which advantages would not be retained under a general and national amalgamation.

1991. You have spoken of a strong executive control, for the purpose of securing the convenience of the public if amalgamation be granted?—Yes.

1992. Do you contemplate any control if no amalgamation be granted?—I think there ought to be the same control as I have suggested, even if the amalgamations do not take place.

1993. You think, for instance, that the question of why it is that a train always misses another train by about three minutes, is a question which ought not to be left to settle itself, but ought to be brought to some prompt and decisive arbitrament?—Certainly; and many other matters.

1994. In short, it may be collected from your answers, that you are decidedly in favour of strong control?—Certainly.

1995. You think amalgamation might be no particular disadvantage under that control, but you are not prepared to say you think it would be any great advantage?—That is my opinion; and, upon the whole, I should prefer seeing competition kept up on a large scale. I was in the room when the last gentleman gave his evidence about the competition between Manchester and Liverpool. There are various parts of the kingdom in which competition might be kept up more easily than between those two towns. I think a very wholesome competition might be kept up between the eastern side of the kingdom and the western side of the kingdom; between London, York, and Newcastle on the one side, and London and Lancaster on the other.

1996. What competition could there be between a railroad which terminated at Newcastle, and a railroad which terminated at Lancaster?—I meant that each system should be carried into Scotland.

1997. In point of fact, have not you and the London and North Western, who are apparently competitors to Edinburgh, agreed on a per-centage division of the traffic?—It is very true we have consented to it from pressure; but I think that even that arrangement is a very unwholesome one in principle. I consented to it from pressure and advice; I had no alternative; but I deprecate the system completely. I have the highest respect for the Right Honourable gentleman who arbitrated on a similar matter submitted to him for peace and quietness; but nothing can be more wrong, in my opinion, than the principle of that arbitration. The country ought to be divided, and not the money earned by two railways. I doubt whether it is legal for one company to pay over to another any portion of its actual earnings.

1998. Then the effect of the competition, in your case, has been to put upon you a pressure which has caused you to enter unwillingly into a combination, the terms of which you think unjust to you, and the policy of which you think unsatisfactory to the public?—Most undoubtedly.

1999. Then that being the result of competition, how do you propose to ensure this general system of competition which you think the public ought to look to?—By a territorial division.

2000. But supposing Mr. Gladstone to have fixed different figures, namely, figures less favourable to your competitors and more favourable to you, the general principle you have laid down would be unaltered; would you still think it unsatisfactory to the public that those arrangements should be made?—Yes; but I must explain why I think it unfair. Unless we had consented to some such arrangement, the parties gave us to understand that they would not give such facilities to passengers, and to goods, as they would under such arrangements.

2001. Mr. *Bright*.] Who were the parties?—The first parties with whom I was in communication were the York and Newcastle and Berwick, and the York and North Midland; and what they said was this: "Unless you will consent to the arrangements, which we afterwards did consent to, namely, that the Midland and the London, and North Western between York and London, should have a certain proportion of the traffic which was collected between Edinburgh, Newcastle, and York, and would consent to pay over to them, or let them have a certain portion of the traffic, they, the Newcastle and Berwick people, would not give such facilities to passengers in booking through by the Great Northern as they would provided we came into those arrangements. And the result of those arrangements was, that of all the passenger traffic which accumulates between Edinburgh and York, for London, whether it goes by the Great Northern, or by the Midland and North Western (which is 30 miles further round), the Mid-

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land and the London and North Western are entitled to 37 per cent.; but there is a conventional rule among railway managers that the party who carries above the proportion he is entitled to carry shall be allowed 20 per cent. on that surplusage for so carrying it, but that the remainder shall be paid over to the other company. Therefore, if we carry the whole of the traffic we shall be entitled to 63 per cent. to start with, and we should be entitled to 20 per cent. on their 37, which 20 per cent. would be about 7 per cent. So that if we carried the whole traffic we should get 70 per cent. out of it, but if they did not carry any part of it they would still get 30 per cent.

2002. *Chairman.*] That is the result of the present state of the law, which purports to secure competition?—No; it is the present state of the agreement. We might, if we thought proper, have said, "We will not go into this agreement, but take our chance, and fight it out." I am only endeavouring to show the power parties have to combine among themselves against a third party. I say that is an unfair combination. I assume that if the Great Northern shareholders, with the consent of Parliament, have made a railway from London to York, that they are entitled to every natural advantage; and that it is unfair on the part of other parties to combine among themselves, and say, "If you do not consent to this arrangement, we shall throw difficulties in the way of your passengers and goods."

2003. Do you think it possible to devise a mechanism by which these combinations might be rendered impossible?—Yes; and that is one of the reasons why a Railway Board ought to have the power of saying in what way and by what lines the traffic should go.

2004. Mr. *Bright.*] Did you not suffer in that case, because the York, Newcastle, and Berwick, and the Midlands, were in some sort confederates with the North Western, to force you into this arrangement?—Yes; the North Western could not have done anything by itself.

2005. Those two companies refused to offer you certain facilities, unless you made those arrangements?—They refused to give the passengers facilities. Those arrangements could not have been made without the combination and consent of two or three companies. Combinations are constantly made between several companies to the detriment of a third, and thereby they deprive the third company of their natural advantages and fair claims of traffic; and it would put the public to inconvenience if these arrangements were not assented to.

2006. *Chairman.*] Are these combinations effected without Parliamentary sanction?—Undoubtedly.

2007. And the result of them is, that the price of a ticket from Edinburgh to London is kept at the maximum by agreement between the two companies; that there being direct lines, namely, the Leeds and Thirsk and London and York, the public are either not allowed to travel by the direct line at all, which is the case of the Leeds and Thirsk, or, if they do travel by the direct line, which they may between York and London, their payment is trafficked out by an arrangement made in respect of them, and a portion of it paid to a circuitous company who has not earned it?—Certainly.

2008. Those effects are all produced under the present system of, what is called, fair competition?—Undoubtedly.

2009. If, therefore, Parliament adheres to the present system, Parliament will secure to the public the name of competition and the reality of combination; will it not be so?—Yes. There is another element in the case, which I think is a very material one; if you have a general amalgamation you will have no security for the celerity of the trains; they may go at any pace they like. Notwithstanding all that has passed, there is a wholesome competition between the east side of the kingdom and the west. If the whole were turned into one amalgamation, you would deprive the parties of any inducement to run their trains up to 35 or 40 miles an hour, or to be punctual.

2010. Do you not agree with the North Western at what time their express shall leave Edinburgh, and at what time your express shall leave Edinburgh?—No.

2011. Has not that subject been matter of arrangement between you?—Not to my knowledge.

2012. (To Mr. *S. Clarke.*) Can you speak to that?—It was a point referred to Mr. Gladstone under his award, and he felt himself not competent to decide points of that sort, and the question as to the time the trains should start, and what class of passengers they should carry was left open, and Mr. Gladstone would

would not decide between the parties how that should be. The amount earned, by whatever means it was earned, was the only point he determined, except this, that certain fares should be the same by both routes, but they might be carried by any trains the parties liked, and he would not interfere as to the time the trains should be dispatched.

2013. Do you mean to say there is no understanding at all, that the down express of the one shall not be earlier than the other, and that the up express shall not be *vice versâ*?—No, there is no arrangement of that kind at all. To go into the detail of it, the route from Euston-square to York, and the route from King's Cross to York are so different in distance, that they could not start at the same time, and go at the same speed, so as to be at York at the same time. They are carried on together from York, but then there is a question between the east side and the west side of the kingdom, to go back to Mr. Denison's view of the case, where the competition exists as to the time in which the journey should be performed.

2014. (To Mr. *E. Denison.*) Do you confirm that?—I have never heard of any arrangement being made between the Great Northern and the Midland Company as to the time of starting their trains. The Great Northern uses its own discretion in starting trains from King's Cross to go downwards, and I suppose the London and North Western also use their discretion. One gets into York a little before the other. The consequence is, that at York they are carried on by one train. Then coming up again from York, the two trains follow each other out of York, which is a most ridiculous proceeding, for about twelve miles, and then they separate; the Great Northern running up its own line, and the other round by Derby.

2015. Colonel *Mure.*] Do you think if such arrangements were made as still to preserve to the public the advantage of great rapidity of travelling, which induces a vast number more people to travel, that would tend to counteract the objection to amalgamation; suppose, instead of going to Edinburgh in 12 hours, they went in 15 or 18 hours, would not that diminish the number of gentlemen who would be induced to go up from Edinburgh to London. The effort of railway directors has been to increase the speed of the trains for the purpose of accommodating the public, therefore I presume, if they were to put it back, parties would complain.

2016. That applies not merely to long journies, but short ones; if persons can accomplish their journey in three or four hours, instead of being six or seven, is that a great inducement to railway companies to keep up their pace to the highest point consistent with safety?—A safe pace and low prices will induce the public to travel more frequently.

2017. Do you think that is sufficient to counteract an arrangement, under agreement or otherwise, which would obstruct the usual course of competition?—I really cannot tell what might be the effect of it.

2018. Mr. *Bright.*] You have informed the Committee of the unfortunate position you have been put into by the operation or the combination of the lines north of York; has your company made any traffic arrangement with any other company, by which you divide a certain territory?—No, not that I remember.

2019. Did you not make some division with the Eastern Counties, with regard to making new lines, and a variety of matters?—Yes; we made an arrangement with the Eastern Counties. We had bought the Royston and Hitchin Railway, with the clear understanding, and under an expression of opinion from a Committee of the House, that the line ought to be extended to Cambridge; but the Extension Bill was thrown out by the House on the second reading, and we were never able to get another Railway Bill launched through the House, so as to come into a Committee. It was obstructed every year, and the consequence was, that the Royston and Hitchin Railway became nearly a dead weight on the Great Northern. After a certain time an arrangement was made with the Eastern Counties, that they should take the Royston and Hitchin off our hands, which they said they would do at the price which we gave for it, provided that we did not interfere with their territory; that is the nature of the agreement. We agreed that they should turn over to us the Eastern Counties traffic at Peterborough, for Yorkshire and Lancashire, but with this condition attached to it, that we should allow them 20 per cent. of it. We were driven to the necessity of allowing them 20 per cent. of the value of that traffic, although the natural course into Yorkshire, by our trains, was many miles shorter than it is by the Midlands.

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What they said was this: "If you will not give us this per-centage for the traffic that we can bring up to Peterborough, and which we can turn on to the Midlands, who will give us something for it, we shall turn it on to the Midlands, and prevent your having it." So the shorter line was prevented from getting the advantage of it. Parliament never intended that such tricks as those should be played when they granted permission for the line to be made.

2020. *Chairman.*] Then the effect has been that you have been compelled to enter into an agreement, promising, that whatever the public requirements in the Eastern Counties territory may be, you will not move in the direction of supplying it, and you have been compelled to say that, because they threatened to divert a portion of your natural traffic, in fact to carry it on the two sides of your line, first on the east, and afterwards on the west?—Yes, certainly.

2021. Mr. *Bright.*] Did you not, in making that arrangement, stipulate for certain advantages for yourselves, in fact, as in most bargains, it was not all on the side of the Eastern Counties; you got certain territories saved to you?—I stated just now the bargain we made was, that they should take the Royston and Hitchin Railway, which by their own operations was a dead weight upon us. They said, "You must give us something more than that," and they got this arrangement respecting the traffic. And the moment the Royston and Hitchin fell into their hands, they had wisdom enough to raise their fares so much, that they very soon got recouped, by the raising of the fares on the Eastern Counties system, more than they actually paid for the Royston and Hitchin. What I complain of is not so much as a director of a railway, but as a Member of Parliament, and a member of the public, that the Royston and Hitchin was made as, and Parliament intended it to be, a complete railroad to Cambridge; but they threw all sorts of difficulties in the way of completing that project, and that, I submit, ought not to be permitted. But we had no remedy. These are the sort of things which railway directors are doing with respect to each other; and which I am quite sure that Parliament never intended, and which parties who are not directors of railroads are not aware of.

2022. With regard to the general question of amalgamation, of which you have spoken in decided terms, your opinion has not always been adverse to amalgamation, has it?—No, I am not adverse to amalgamation now, of a certain sort; I stated each case should stand on its own merits.

2023. Do you recollect a correspondence that took place between Mr. Glyn and Mr. Russell, with regard to the North Western and the Great Western, about six months ago?—Yes; but I do not remember the whole of it.

2024. You know there was such a correspondence?—Yes.

2025. Is it within your memory, that you described those letters as very sensible letters, and that the fact of your having seen those letters induced you to offer to the Midlands a great amalgamation between your company and the Midlands?—Yes.

2026. Did you then take the view you do now with regard to the difficulties that would happen?—Precisely. I have not altered my view as I expressed it in August last, up to the present time, either on that proposed amalgamation, or on the general effect of larger amalgamations. I am quite prepared to defend the course I took then; it is perfectly consistent with the opinion I entertain at present, and everything I have said to day.

2027. You stated that a large expenditure would be saved, that the dividends would be improved, and that the real value of both properties would be increased?—I did.

2028. And, further, that double stations might be avoided in some towns?—Certainly.

2029. And in cases where duplicate trains ran, one might be given up?—Yes.

2030. And you thought an arrangement of that kind would avoid foolish competitions, suspicions, and jealousies?—Yes.

2031. And the shareholders would be benefited?—Certainly.

2032. But you did not in that correspondence indicate in any degree that the public would be advantaged by the amalgamation; you spoke of the benefit to the shareholders, and the dividends, and profits of the two companies?—Very likely; I was addressing a chairman of railroads; that is not at all inconsistent with what I say now. I have not the slightest objection to add to that letter, if you like, that the public would be benefited by that arrangement, as well as the shareholders.

2033. You mean, the particular arrangement between the Midlands and the Great Northern?—Yes.

2034. But the Midlands and the London and North Western are now proposing to amalgamate?—Yes.

2035. Do you hold the opinion that it would be advantageous for the public, for those joint companies, and your company, to amalgamate, after their amalgamation?—No, I think not. I do not think, if those companies are allowed to amalgamate, it will be possible for us to remain independent. That I have said to-day, in this room. I am a shareholder in both; nevertheless, my opinion is, if that particular amalgamation goes forward, it will be quite impossible for Parliament to object to other railroads, coming into contact with them, being amalgamated with them.

2036. Did not the chairman of the Midlands indicate that the joint Board of the London and North Western and the Midlands, or the two Boards, were quite willing to enter into a discussion with your Board as to an amalgamation of the three?—Yes, they are always exceedingly civil, and have proposed various discussions, of which we have had many, all of which have ended in nothing.

2037. Is it not a fact that your railway was considered an interloper?—I have no doubt very considerably so by them, but not by the public.

2038. And not quite within the family of railways?—It stands so very much at present, in the opinion of the directors of the first-formed railways.

2039. With regard to the difficulties at Leeds, and at some other places, that you have had, is not that one reason why you have not been met quite fairly by the other companies, or rather that you have not been met at all?—Do not imagine I say we have not been met fairly; they do the best they can for themselves. I speak of the public. I say the public are put to inconvenience; they do not get the full benefit of the railway system. Members of this House go down into the West Riding; they go into Leeds by the Great Northern train, and they see a train going out of Skipton just as they are going in, which makes them rather angry. I do not presume to find fault with the London and North Western, or the Midlands; they do the best they can for themselves.

2040. *Chairman.*] Do you not think it is natural to suppose, that if these powers are given to bodies of men by Parliament, that they will be exercised by bodies of men for their own advantage?—Yes.

2041. And that if Parliament wish the public to be protected, they must take measures accordingly?—No doubt. I have a paper here, which I will take the liberty of putting in. It shows the amount of railway property which is, in fact, under the control of the London and North Western, and the Midlands; it amounts altogether to 70,000,000*l.*

2042. Mr. *Bright.*] Do you mean property which is really not within other companies?—I will read it. I hope the paper is correct; but I have not yet read it.

"The authorised Capital of the undermentioned Railways is,

			£.
London and North Western Railway	Shares and Loans		36,954,620
Midland Railway - - - -	ditto	ditto	18,962,159
Lancaster and Carlisle Railway -	ditto	ditto	1,741,333
Caledonian Railway - - -	ditto	ditto	6,368,200
Scottish Central Railway - -	ditto	ditto	1,729,164
Chester and Holyhead Railway -	ditto	ditto	5,096,332
		£.	70,851,808"

The object of the paper is to show the amount of capital, either under the control now, or which would be under the control of the London and North Western, if this amalgamation takes place.

2043. Mr. *Bright.*] What is the amount that would be added to that, if your company were amalgamated with them?—Ten millions. My only object is to point out to the Committee the immense capital that will be amalgamated; it is not only those, but an immense number of other lines which must fall under the the control of the parties. I admit that, if such an amalgamation goes on, it will be impossible for the Great Northern long to remain independent, and the lines

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lines north of York must also come under the control of the amalgamated companies.

2044. *Chairman.*] Virtually it means general amalgamation, does it not?—Yes; certainly.

2045. Mr. *Labouchere.*] Are you right as to the Scottish Central, which is one of the railways you have put down?—I should be sorry to make a mistake; the paper is got out by one of our most intelligent officers.

2046. Do you mean that, as far as relates to the public, the management of the lines, and the general question of amalgamation, that you believe all those railways are under the control of the Board of the London and North Western?—That is all I mean.

2047. *Chairman.*] (To Mr. *Swift.*) Do you concur in the correctness of the paper which has been furnished by Mr. Denison, and which has been the substance of the last questions?—As to the North Western capital, if it is meant authorised capital, it is probably correct, and so as to the Midland, speaking again of authorised capital. With reference to the next, which is the Lancaster and Carlisle, it is stated at 1,741,000*l.* I believe our interest is 400,000*l.* instead of 1,700,000*l.* The Lancaster and Carlisle line the London and North Western have no control over; they only appoint about one-fifth of the directors.

2048. Mr. *Bright.*] Is it not the fact, with regard to all those railways, that all the through traffic on them is managed in accordance with your necessities and directions?—Certainly not. For instance, the Lancaster and Carlisle is managed decidedly for their own interest, and very often to the annoyance of the London and North Western. I have occasion to know that, because I act professionally for both, and there is often disagreement. In the Caledonian, instead of 6,368,200*l.* they have 1,000,000*l.*; and instead of having the control over that, the London and North Western have not the smallest control. With respect to the Scottish Central we have neither capital in it, nor the nomination of directors, nor any control in any way. And with regard to the Chester and Holyhead we have two millions, and several directors.

2049. *Chairman.*] (To Mr. *E. Denison.*) Do you wish to add anything to what Mr. Swift has said?—Mr. Swift is labouring to convince the Committee that the North Western have not 70,000,000*l.* embarked in these railways, I never said they had. The paper says, "The authorised capital of the undermentioned railways," that is, the sums which they are authorised by Parliament to raise, amounts to 70,800,000*l.* I am told that all those railways would come more or less under the control of the North Western and Midlands Amalgamated Railway; I say no more. I do not presume to say how much, or how little, interest they have in it. But besides these, there is the North Staffordshire, which it is proposed in this very Session to amalgamate with the London and North Western. That has a considerable capital. There is also the capital of many canals. What I mean is, that if the amalgamation which is proposed takes place, it will, directly or indirectly, control railways that have the power of raising considerably more than 70,000,000*l.* of capital. I wish to take the liberty of drawing the attention of the Committee to an article that appeared in "Fraser's Magazine" for January 1851. It is written by a very intelligent person, who understands the subject very well; and I respectfully submit, it would repay the Members of the Committee if they were to read it. There are a great number of useful hints in it. I have gone through it, and it contains my own sentiments.

The Chairman.] The article may be printed along with the Appendix to the Evidence given before this Committee.

Witness.] That will do very well.

Veneris, 11° *die Martii*, 1853.

MEMBERS PRESENT.

Mr. Cardwell.	Mr. Strutt.
Mr. Labouchere.	Mr. M. Milnes.
Mr. Henley.	Mr. Laffan.
Mr. Bright.	Colonel Mure.
Mr. E. Denison.	Captain Jones.

THE RIGHT HON. EDWARD CARDWELL, IN THE CHAIR.

Richard Madox Bromley, Esq., called in; and Examined.

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2050. *Chairman.*] YOU are the Secretary of the Audit Board?—I am.

2051. Have you considered the subject of audit as applied to railway accounts?—When the subject was before the public, some years since, and there was some question as to the business being brought to the office of the Commissioners for Auditing the Public Accounts, I then turned my attention to the subject.

2052. Except in your public capacity, you are not familiar with railway questions at all?—In no way whatever.

2053. Have you considered whether it will be possible to audit the accounts of a railway company in such a manner as to accomplish, not the mere audit of accounts only, but also an audit of inspection?—So far as the Government is concerned?

2054. Yes?—My ideas at the time were, that the Government would not be prepared to undertake the detailed audit of railway accounts; but by an inspection, after the local audit had taken place, I did consider the Government would be perfectly qualified to judge how that duty had been performed, and that they might undertake such power of investigation.

2055. Was it your opinion that, by means of such an audit as you have referred to, Government could, from time to time, be made acquainted with the actual state and proceedings of the railway companies?—I have no doubt of it.

2056. It has been proposed to this Committee, by some of the witnesses, that upon an amalgamation, if it should be conceded by Parliament, the capital account of the amalgamated company should be closed, not to be again opened without the express sanction of Parliament; and that for the purpose of giving to the public the benefit of that profit, which is to arise in future years from increase of traffic, there should be a periodical revision of the tariff whenever the dividend exceeded a certain fixed amount. It would manifestly be necessary, in order to render such a provision effectual, that the Government should from time to time be correctly acquainted with the financial proceedings of the company, and should have power to control them if they were not *bonâ fide*. Is it your opinion that that amount of knowledge could be obtained by the Government with a view to the exercise of such powers?—Undoubtedly.

2057. Just explain to the Committee the mode in which you would propose to institute such an audit?—Do I understand that the audit is to be separated from valuation, in the answer I am about to give?

2058. The question asked was not with regard to the first valuation at which the capital account should be closed; but supposing that operation to be finished, the capital account to be closed, and the dividend for revision to have been already fixed, are you of opinion that in such circumstances, for all time to come, a sufficient audit might be attained to insure the *bonâ fide* fulfilment of the compact between the company and the public?—I believe it might.

2059. What, in your opinion, would be the best mode of instituting such an audit?—I speak my own individual opinion on this matter, without reference to the views of the Board under which I am serving. My own opinion is this, which I have entertained for some years. I consider that the railways should carry on their audit upon the same principles as they do at present; but that the local auditors of those railways should act under a code of well defined and well considered instructions. Of course, when I say well defined, I mean that the parties drawing them should be conversant, not only with public accounts, but with railway accounts; and it should be considered, in drawing up those instructions, that there should be, on the part of Government, or Parliament, some supervising power to ascertain that the local auditors are carrying out those

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instructions. I do not consider that the Government should investigate in detail the vouchers and authorities under which the receipts and payments take place. My opinion is, that the local auditors should be entrusted with that duty, but that periodical returns should be sent to the central department from the several railways, certified by the local auditors, that they had examined the receipts, vouchers and authorities; and that that central department should investigate the *appropriation* of the expenditure, in order to see that the capital and the revenue accounts were properly separated and preserved.

2060. Of course you intend the local audit to be subject to inspection, if the central auditors are dissatisfied with the returns which they receive?—Certainly, the central auditors should have the power of inspection.

2061. Mr. *Denison.*] Did you say that, besides the local auditors, there should be a supervising power in the Government to see that the local auditors were carrying out the directions which they had received?—Yes; in order to ascertain that the general instructions for the guidance of local officers were being carried into effect.

2062. They are to be carrying those out?—They are to act under them.

2063. Then that is a third agency; first of all, there are the local auditors; next, the Government superintendence to see that the local auditor is doing his duty; and then there is the Government auditor at last; is that so?—No, the two last are combined in one.

2064. *Chairman.*] Then suppose the dividend of the company was verging towards the pivot, and, therefore, that they had no particular interest in economising, and that their expenses unreasonably increased, would such an audit as you have spoken of raise that point to the surface, and make it the subject of inquiry?—In my opinion it would, and for this reason: the inspecting auditors, if they might be so termed, or the Government auditors, would have before them periodical returns, in detail, of the receipt and expenditure. They would then be enabled to judge whether the classification was correct; but, without that detail, it would not be possible, by abstract accounts merely, to ascertain whether the whole of the expenditure had been properly and duly charged or not.

2065. But if there were any sudden, or even gradual increase of expenditure, which could not be fairly and properly justified, would the nature of the audit bring that to the surface, and make it a matter of inquiry?—There is no doubt it would.

2066. In order to conduct a system of audit, like that which you have spoken of, for one railway company, if it were even a very great company, would any large additional staff be requisite?—For the railway, or for the Government?

2067. Speak, first of all, of the central audit, and afterwards of the local audit?—My own impression is, that with respect to the Central Audit, and the expense, that there would be very little staff required on the part of the Government; but that the individuals who should supervise, as it were, should not be of the rank of common book-keepers; they should be parties to give the public and the shareholders satisfaction: persons of acknowledged standing and talent, in whom the Government and the public would have confidence. There might be that supervision on the part of the Government, which would not be an expensive supervision. With respect to the expense to the railway itself, it is a mere question of copying; for within the last four years, the Government has established a system of detailed accounts to be rendered to the Public Audit Office. There was a great outcry, at first, that it would be very expensive to the departments to render to the Central Board of Audit a detailed copy of their cash books; that has fallen to the ground; it is now considered a mere bagatelle, and a junior clerk at 70 *l.* or 80 *l.* a year is fully equal to make a copy of the cash book monthly, and transmit it to the Audit Board. That same system I would carry out with regard to the railways; and, therefore, any one may calculate what would be the expense of copying out from the cash-entry books the receipt and expenditure of railways.

2068. Then, supposing the accounts of the railways, for the purpose of which you have spoken, referred to the Commissioners of Audit for audit, it would not very materially enlarge the expense of that Board?—According to my view, I do not think it would; but it would materially alter the existing functions of that Board, and that could only be done by an Act of Parliament.

2069. With regard to the possibility of forming a proper estimate of the amount at which the capital account ought to be closed, so as to do justice between the public and the railway company, do you think that would be a problem of insuperable difficulty?—I imagine that has been already solved, judging from the

the London and North Western; for example, the London and Birmingham have amalgamated with the Liverpool and Birmingham, and I apprehend there must have been some data upon which they calculated the respective profits on which the amalgamation took place. That is a matter of fact; and, as an accountant, I can only say that with figures you can do anything, either for good or for bad; but, in my opinion, there would be really no difficulty in arriving at a satisfactory result.

2070. Mr. *Henley.*] You have said that the inspection you would propose on the part of Government, would be a casual inspection, and not an inquiry into detail?—Detail so far as appropriation or misappropriation is concerned.

2071. Therefore you think that this audit would enable you to go to the question of appropriation?—I mean to say it would enable me to go to the question of appropriation; and I would confine it to the question of appropriation.

2072. Take the audit of the navy accounts as an illustration: the Government vote a certain sum in gross to be applied to the victualling of seamen; does not your audit extend to see that a sum not exceeding that has been expended for that purpose?—Yes.

2073. Does it to go to ascertain in any way whether that amount has been prudently or imprudently expended as to the amount paid for the provisions?—That is a question that the Commissioners of Audit have nothing to do with; they are debarred by Act of Parliament from interfering with the executive arrangements of the Board of Admiralty.

2074. You only look to the expenditure of the money within the authority legitimately pointed out for that purpose; you do not look to see whether the money has been wisely or unwisely expended?—Certainly not; but our audit is not merely confined to keeping the amount within the vote, it is also in order to ascertain that the appropriation is correct; that is to say, that monies voted for beef and pork are not charged with the purchase of steam-engines.

2075. That is, you are to see that the money has been expended for the purpose for which it was assigned?—Exactly so.

2076. Now, carrying that into the case of railways, supposing the railway accounts showed that a certain expense had been incurred for locomotive power, would the audit you propose enable you to tell the Government whether that expense was a reasonable or an unreasonable expense?—My own view on the question of Government, or Parliamentary audit and control is, that it ought not to enter into the propriety, or otherwise, of the expenditure incurred by railway directors.

2077. Not as to its amount?—Not as to its amount; but it should where there was misappropriation; where there was an attempt to force forward expenditure; where there was an attempt to hold back expenditure; in fact, where there was an attempt to falsify accounts; that should be the limit, according to my view, of the Government or Parliamentary control.

2078. But would the control which you have sketched out enable you to detect whether railway A. managed its affairs in an expensive manner, or railway B. managed them in an economic manner; assuming that both railway A. and that railway B. confined their expenses strictly within the legitimate power that they had of expending money?—No; because I conceive the local auditors are the parties who should apprise the shareholders of any want of confidence, as it were, in their own directors; and that the Government should merely look to the question of appropriation or misappropriation.

2079. As to those instructions and defined regulations which you propose to issue from the central Board to the local auditors, what authority should you propose to confer upon those gentlemen to exercise a discretion as to whether railway directors had paid high or low salaries; whether they had made an economic use of their locomotive power; whether they had got their coke at a reasonable cost or an unreasonable cost. How far would your detailed instructions enable the local auditors to come to a conclusion upon points such as I have named?—That would be entirely a question in considering the detailed instructions. My own view is, that the local auditors should have the same power which they at present possess, which should not be interfered with.

2080. The power that the local auditors at present possess is principally to see that the accounts are properly vouched, and that the expenditure that ought to be duly charged to revenue is not charged to capital, and matters of that kind?—Beyond that, I consider they ought to be the judges; and that they ought to represent to their shareholders whether the directors had falsified the accounts or not.

2081. I am not speaking of falsifying?—Perhaps I may use some other term; whether

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whether they had fulfilled their trust or not; whether they had made a good or a bad bargain for the company; I consider the local auditors ought to be the judges of that, and not the Government auditors.

2082. Then you think the local auditors ought not only to be the judges of whether the money had been honestly applied within the limits and powers of the Act of Parliament, but that the auditors also ought to be the parties who ought to judge whether A. or B. ought to receive 100*l.* or 120*l.* a year, and whether the price of coke ought to be 20*s.* or 25*s.* a ton, and all other questions of that description?—Exactly so; such are the legitimate functions of local auditors.

2083. Do you think they also should be the parties to inquire whether the locomotive power upon the railway had been prudently or imprudently appropriated, and whether trains sufficient or insufficient, or more numerous than necessary, had been used, by all which expenses a railway would be materially affected?—The whole of these points you have mentioned are matters of detailed administration; and judging from my view, and the practice of Government, so far as regards the navy accounts to which you have referred, I do not consider that the Government should interfere in any way, nor should the central auditors interfere in any way with the detailed administration of any railway. I do not think the central auditors should question the propriety of the purchase of coke; but I do consider they should judge, if 10,000*l.* was to be paid for coke, whether it be paid in this half year, or postponed till the next half year, or the coke might not all have been delivered, and yet the 10,000*l.* might be paid before its proper time. Those are matters which I consider the central auditors ought to exercise some supervision, and have control over; but upon the question of prices, and the other questions which you have put to me, I do consider that local auditors are the parties who should be the judges for the shareholders, whom they represent.

2084. And all those matters not extending to falsifying, or cooking accounts, or charges of improper kinds, you think that the Government audit ought to have nothing to do with?—Nothing.

2085. The Government audit having nothing to do with this detail, how would you arrive at the fact, whether the maximum dividend, or the pivot dividend, had or not been properly approached by the company, so as to enable the Government to take on itself to say that those dividends ought in future to be reduced?—Solely by the detailed accounts to which I have before referred, which would enable the central auditors to ascertain whether the expenditure had been properly applied and appropriated.

2086. An expenditure may be properly applied and appropriated, and yet may be excessive in amount?—That is very true; but my own impression is, that Government should not saddle itself with that detailed investigation.

2087. Then it would be impossible for the Government to come to a just and true conclusion, of whether this pivot dividend ought to be diminished by means of a more economic management, and the charges upon the public consequently diminished?—I think there should be, on the part of the central auditors, some power of inspection; they should have the power of recommending the removal or modification of the local audit, because they might discover that the local auditors were in collusion with the directors; and for that very reason the central auditors should have the power, first, of noticing any irregularity of that kind to the board of directors themselves, and if the board of directors did not take steps to correct the evil, then I think the Government should have the power of stepping in to remedy the defect.

2088. But you have stated that the Government auditors should not look into these details; upon what evidence, or upon what species of information, is the Government to arrive at the fact that the local auditors have not exercised a prudent discretion in their audit, so as to enable the Government to take the latter steps which you have now stated?—When I speak of central auditors, I speak of gentlemen who must be fully qualified, which is the talent I have referred to, to investigate in detail, if necessary, any accounts, railway or other accounts; and they would by their casual inspection be able to ascertain whether sums had been transferred from one head to another, or any alteration had been made in the appropriation. They could judge for themselves, by the returns I have alluded to, whether the local auditors were fulfilling their instructions or not.

2089. No doubt, to such gentlemen as you are contemplating, conversant with accounts, it would be perfectly easy to see whether sums had been transferred from heads which they ought not to have been, to others; and such instances

instances as you have named do not bear at all upon the point, whether the expenditure had been profuse, or within its legitimate limits?—When you speak of profuse expenditure you speak of large aggregate sums, not matters of detail; whether a clerk's salary is to be increased from 120*l.* to 130*l.* a year is a matter which, in my opinion, should be left entirely to the directors of any company; but if you view it in this light, that it may be considered necessary by the directors to lay out 100,000*l.* in rails (I do not speak as a railway man, in any way; I am not at all connected with railways, but rails came into my head), it might be a matter for consideration, when that item appeared in detail before the inspecting auditors, whether they should question it, or whether they should question even the policy of laying out 100,000*l.* in the purchase of a quantity of rails on a line that is completed.

2090. Then your notion would be, that the local auditors should be the persons to judge whether the railway was worn out or not?—My opinion is, that no auditor could be that judge.

2091. Then if he is not capable of judging, and you say no auditor could judge of such a fact as that, how is he to be able to dispute whether the directors have prudently or imprudently laid out the sum of 100,000*l.* in rails to repair their permanent way?—You must rely on the engineers of the line.

2092. That is a matter of evidence?—You could know that by written evidence, which the local auditor would have access to.

2093. Your notion is, that the local auditor should have a complete exercise of discretion over the whole management of the affairs of the railway, to see whether sums of money had been legitimately expended within their proper heads, and properly vouched?—There can be no doubt, unless an auditor has access to every paper and every document bearing on receipt or payment, his audit is good for nothing.

2094. I am not asking whether he has access to means of evidence, but I am asking by what power he is to decide whether a certain payment for the purchase of rails, as you have stated, is correct, and as to the whole amount of expenses, and the payment of wages to the servants of the company, whether that is or not at a fit and proper rate; do you conceive that the local auditor ought to have power to decide such questions as those, or whether he ought merely to have the power of saying, that the money had been properly expended within those legitimate limits?—I would not confine him to stating whether the expenditure was confined to its legitimate limits or not. He is acting for the shareholders. I consider that it would be his duty to apprise the shareholders of any improper expenditure by any excessive payment to officers of the company, or any excessive contract, or any excessive payment of any kind.

2095. Do you mean that to extend to a general supervision of the whole state of the affairs, or simply to such points as might strike him as being specially in excess?—Confined as it is at present, I always considered local auditors of railways had great powers; powers of investigation into quantities and salaries, into rolling stock and other stocks, and I think they should continue to exercise those powers as they now do. I would not abridge their powers in any way or shape, nor would I extend them.

2096. Do you think that the power of audit in the local auditors should or could be exercised to that degree, so as to secure as economic a management on the part of a railway company, as the inducement of profit now held out to them by an economical arrangement on the part of the directors and managers?—I consider matters would remain much as they are at present between the directors and the local auditors. They have still power to point out, and it is their interest to point out to the shareholders, any excessive or improper charge. I consider that ought not to be limited in any way or shape. I do consider that a code of instructions might be devised by which a better system of audit, if I may so term it, might be established throughout all the railways in the kingdom, which should be the auditor's manual; and it should be the business of the central auditors to whom I have referred, to ascertain, as far as their powers may be, that the local auditors had acted up to those detailed instructions.

2097. Under the present management of railways, the profits of the shareholders depend on the economic management and working of the railway in all its parts; is not that so?—It is at present, and by means of the local auditors the profits are verified.

2098. I am not speaking of whether it is by local auditors or not?—Of course the profits depend, in a great degree, on economic management.

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2099. The inducement to an economic management on the part of the managers is, to enable them to derive as large a profit to their shareholders as they can?—No doubt.

2100. That is an inducement, and a strong one?—No doubt.

2101. If it were suffered by law to come up to a certain amount of dividend, but if their accounts showed they were getting beyond that amount of profit, they would be compelled to reduce the charges to the public; do you think any system of audit could be devised, that would be so stringent in inducing to economic management as the expectation of gain now is with the managing body?—I do not see any real difficulty in adopting an audit that would bring to light any improper proceeding on the part of a board of directors, who might wish to increase their expenses for the purpose of avoiding exceeding a given limit; in the first place, the local auditors are at present, in most instances, shareholders; they have a decided interest in getting as great a dividend as they possibly can; and if you give them a limit, why should they step out of their way, when they cannot benefit by it themselves, to increase the salaries of their officers, or to increase their own expenses generally.

2102. But if they do not step out of their way to increase it, why should they step out of their way to insist on a diminution, seeing that they get no gain by it?—Because they have this interest, that they are shareholders, and they wish to see their concern administered in the best possible way; that is the only answer I can give.

2103. But if they diminish it, the effect would be, that the public would have a right to come in and ask for a reduction of fares?—That I am not prepared to answer; I am not aware what is before the Committee on the question of amalgamation.

2104. I thought that the Chairman had put that plainly before you, when he referred to the pivot dividend being reached?—It was not stated how it would affect the fares.

2105. And then this audit was to be effectual, to enable the Government to ascertain, and form a just opinion of the management of the company; to see whether the profits of the company were fairly run up, or run beyond the pivot dividend, so as to enable and compel them to reduce the fares to the public; and that they then would be still getting sufficient by means of a more economic management, supposing their management had not been, up to that time, properly economic; it is to that point I wish to direct your attention?—With respect to the local auditors, the only point that could influence them at all, would be, that their railway should be in as perfect a state as possible; and therefore, under those circumstances, knowing that if the dividend arrived beyond a certain point, there would be a surplus, there might be some disposition on the part of the local auditors to improve their property by putting down new rails, or improving their property generally, instead of reducing the fares.

2106. It might have that tendency?—It might have.

2107. Mr. *Labouchere*.] Is it not the case, generally speaking, that local auditors are identified in feeling and interest with the directors of a railway?—I have always understood so. I have not a railway share myself, therefore I am not qualified to answer that question.

2108. So that if there was a disposition to increase salaries for jobbing purposes, on the part of directors, would not the check of local auditors be very inefficient, and very little to be depended on, to control such a disposition?—Generally speaking I have understood that local auditors have been, to a certain extent, in the hands of directors; but the central auditors I propose would detect and prevent that.

2109. *Chairman*.] It is not necessary, under the system proposed by you, that local auditors should be selected from persons who were in the hands of the directors?—By no means.

2110. Mr. *E. Denison*.] You have spoken of the audit of the London and North Western Railway Company, do you know how that audit is composed?—No.

2111. At all events, at present, as railway dividends are not very near the pivot point that has been spoken of, there would be no interest in directors to spend money in any way but such as would be useful to the concern; is not that so?—In no other way than would be productive and beneficial to their own interest.

2112. Directors have another thing to do besides spending money; they have to provide a dividend for the shareholders?—Undoubtedly.

2113. And that obligation of providing a dividend for the shareholders would prevent

prevent them from spending money in an unnecessary manner, until they reach near the pivot point?—Yes.

2114. Then there would be no difficulty, such as has been put to you, of auditing these accounts until you reach near to the pivot point?—The same difficulty would exist, because the superintending auditor would consider it his duty to apply his mind scrupulously to every item of expenditure, whether it was near the pivot point or not.

2115. But there would not be that disposition, which has been spoken of, on the part of the directors, to spend money in an unprofitable manner, or to spend money in a way that would not induce to a dividend, so long as they were at some distance from the pivot point of the dividend?—There would not be that inducement to economise when it came near the pivot, which there is at present. What I meant to convey was, that so long as the profits of the railway did not arrive at the pivot point, there was an inducement on the part of the directors to economise so as to make the dividend as large as possible. When it did arrive at the pivot point there would then not be the same inducement to economise; but there would be an inducement to improve the value of their property by laying out money somewhat more extensively in its improvement.

2116. The question was, until you reach nearly the pivot point, whether the same interest that prevails at present to economy, and creating a dividend, would not continue to exist?—Yes.

2117. And the public audit would be going on, perhaps, for years to come in that state of things; then if a new state of things were to arise, and you were to reach near to the pivot point, and a new disposition as to spending the money were to arise on the part of directors, would it not be easy to invite particular attention to any change of expenditure under an altered system of things?—Undoubtedly.

2118. Mr. *Henley*.] You were directed to turn your attention towards the pivot dividend: assume that that pivot dividend is to be revised periodically, say seven years or five years, or any period that may be fixed, do you consider that it would be possible so to audit the expenditure during those seven years, as to say it might not be legitimately less for the first four or five years of the seven, and then very much to increase it in the two last years, without it being in the power of the auditor legally to object to any item?—I think my answer to that would be, whether it was arriving at the pivot point or not, that the central auditors would exercise the same control, and have the same anxiety to see that the expenditure was right and proper, as they would whether it reached the pivot point or not. Of course, where the Government is concerned, the officers of any Government, would, when it was arriving at the pivot point, possibly direct their attention more immediately to that particular subject, in order to protect the interests of the public, than they would when a dividend of one or two per cent. was payable; but trusting to the desire on the part of local auditors, who might be shareholders or otherwise, to see that the receipt and expenditure was duly brought to account and not extravagantly incurred, they must rely in a great degree on the local auditors. When you arrive at the pivot point, or near it, there would be a greater anxiety, on the part of the central auditors, to look to the interests of the public.

2119. Take the instance you yourself named with regard to the purchase of a quantity of rails: assuming for the five years that the accounts have been all regularly audited, and no large expenditure incurred on rails, or keeping up the permanent way, at the end of the fifth year the directors consider it necessary, in consequence of the report of their surveyor, to lay out 100,000*l*. on rails; do you think that the auditors would have the power to say that that 100,000*l*., or whatever the sum might be, would be an improper expenditure, assuming the railway wanted the rails?—They might not have the power of objecting to the expenditure, but they should have the power to state whether or not, in their opinion, it was proper to charge that half year's account with the whole of that 100,000*l*.

2120. Would not that immediately open the question whether that sum was to be charged, and in what degree, and for what item of capital?—It is a question of appropriation entirely; the central auditors ought to have some voice in the matter.

2121. Would it not be, in point of fact, whether it should be charged in the current expenses of the year or half year, or whether it should be charged to capital, and so thrown over a greater number of years?—Exactly; it appears to me one of the most important points in railway finance.

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2122. All my questions are supposed to be with regard to *bonâ fide* honest expenditure; do you think there would be any difficulty in an auditor coming to a conclusion which would be just and satisfactory to the public and the railway shareholders, as to what sums ought or not to be charged to capital, and what sums ought or not to be charged to revenue?—The question of his view being satisfactory or otherwise to the shareholders and directors ought never to be an element of consideration with an auditor; he ought to be thoroughly independent; he should not be influenced by whether it concerned the interest of the shareholders and directors or not. For that reason, I consider the central auditors ought to be men of independence, of acknowledged standing, and not liable to be influenced by any body or individual whatever.

2123. The question was not, whether they might be influenced or not; no doubt the gentlemen would be perfectly incapable of being influenced by any such motive as you have alluded to; but whether the principles upon which such questions ought to be decided as to certain particular items which ought or not to be charged, either to revenue or to capital, are so distinct and well understood by persons conversant with the subject, as that any decision of an auditor would be likely to be acquiesced in, as having been made on just and sound principles?—I am not sufficiently acquainted with railway matters of detail to give an opinion on that point; but I apprehend, as railways have been established in this country for so many years, that there are very high authorities connected with the railway interest who would have no difficulty in meeting together, and deciding such points as to what expenditure should be carried to capital, and what should be carried to revenue. Railway accounts now must be as plain as the accounts of any other commercial company.

2124. In your judgment is that so simple a point, that you think there would be no difficulty in getting that satisfactorily decided, and proper rules and regulations laid down, to guide the auditors therein?—When I turned my attention to the question of a code of instructions for the guidance of auditors, I did contemplate that a great proportion of those instructions would have to be drawn, embodying the views of, and to be concurred in by, high railway authorities, more especially those points to which you have alluded of charging sums to capital or to revenue. Of course individuals like myself, who are not connected with the railway interest, can form no opinion as to what should go to capital and what to income.

2125. When you went into this question in the way you have stated, did you go into it enough to satisfy yourself, aye or no, whether there was or not any practical difficulty in the decision of such a question?—I have not gone sufficiently into the matters of detail connected with railways to form a decided opinion on that subject; I think it is a matter that must be left to high railway authorities; I have no doubt, in my own mind, as they are matters of pounds, shillings, and pence, that they can be solved by those authorities.

2126. They are not matters of pounds, shillings, and pence, but matters of principle, on which the pounds, shillings, and pence are to be appropriated?—I have no doubt they can arrive at a correct view in classifying those principles.

2127. And upon the solution of the question, whether or not defined and proper regulations could be laid down, and such points as that, depends, does it not, the power of the auditors, be they local or be they Government, to decide those questions?—Quite so; but I should prefer calling them Parliamentary Auditors, instead of Government Auditors. I have always considered it a misnomer, and that it should be a Parliamentary, and not a Government audit. The Central Auditors should have their power direct from Parliament.

2128. If that could not be arranged beforehand, would they not be unable to exercise that control, which would be necessary to secure the public on the subject of the pivot dividend?—It applies to every governing body, who must act on certain principles and rules. I apprehend that those rules could be drawn up more or less stringent, and if they were not sufficiently stringent as settled at first, they might be remedied afterwards.

2129. With reference to the audit of the Navy accounts, you have stated that you are restrained by Act of Parliament from inquiring into the discretion of the expenditure of the sums, so that they are expended within the limits of the Act of Parliament?—Yes; or duly appropriated.

2130. Are you of opinion, from your experience as an auditor, that if any extended power were given to you, you would be able to ensure as economical

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an expenditure of the public money in the dockyards, as is now carried on in the private dockyards of this country?—That is a very general question; I have had something to do with the dockyards in my time, but my answer to that question is, that it should rest with the governing or executive body. You might have a Board of Admiralty and a Board of Audit influenced by the same desire for economy; but although the Audit Board might exercise certain control over contracts for timber, they might not make a better bargain for the public than the Lords of the Admiralty. My own impression is, so far as that Act of Parliament has worked, it would be very injudicious to transfer to the Board o Audit the powers now exercised by the Lords of the Admiralty.

2131. Do you think any system of audit could be devised so stringent, as would ensure so economical a management as the system of private gain and profit does to private companies?—Not so far as legitimate private gain is concerned.

2132. All my questions go towards legitimate gain?—My attention was drawn to the subject at a time when there was great excitement connected with the accounts of railways, therefore I viewed the possibility of a time of excitement again occurring; and, under those circumstances, I did consider the prudence of having some Parliamentary central audit, however slight it might be, for it should be very slight, in order to ascertain whether the money was honestly spent. It should not in any way interfere with the actual administration of railways. It should not interfere with the right of discretion of boards of directors to make contracts, or otherwise expend their funds in the proper management of the railway; but it should look to the due appropriation of expenditure, and that the accounts were not cooked, although there might be no impropriety in the receipt or expenditure.

2133. Has your view been more with reference to checking improper practices of some kind or other in the accounts, rather than to the detailed expenditure, and securing the most economical expenditure within its legitimate limits?—Yes; otherwise you at once strike at the root of the most vital point of railway administration and responsibility.

2134. *Chairman.*] You have been asked whether such an audit could prevent the expenditure of 100,000 *l.* for rails in a particular half year; suppose that in previous half years no corresponding item had entered into the account, and that just at the period when the pivot dividend was about to be attained, an extraordinary item of 100,000 *l.* for rails made its appearance in the accounts; would not that constitute so salient a circumstance that it might be raised by the auditors, and be made a matter for subsequent inquiry?—Certainly; for that reason I instanced the circumstance of the expenditure.

2135. Is it, upon the whole, your opinion that an audit, conducted upon the principles which you have described, might ensure that the rights of the public should be protected for the purpose of a revision of tariff?—Certainly. I consider that an annual audit would so far exercise a control over the receipts and expenditure that it must influence the correct declaration of a dividend, on its approaching the pivot point.

2136. Mr. *M. Milnes.*] Do you happen to know, as a fact, whether there is on the part of railway companies, or the large body of shareholders in railway companies generally, considerable distrust of the mode in which auditors are elected at present?—I am not prepared to answer the question. I am not sufficiently acquainted with railway matters to justify my giving an opinion on that. My own view with respect to an audit is not what you detect, but what you prevent, by creating a moral check and control over accountants, and the distrust to which you allude is removed when they know that auditors are elected, owing to their practical acquaintance with accounts.

2137. Is it not the fact, that one of the main complaints against the present audit system is that the auditors have not been the means of preventing many of the pressing evils of present railway companies?—Yes; that induced me to turn my attention to the question of a general central Parlamentary audit.

William George Anderson, Esq., called in; and Examined.

2138. *Chairman.*] ARE you Deputy Paymaster-general?—Yes.

2139. Have you heard the evidence which has been given by the secretary of the Audit Board?—Yes.

2140. Do you coincide in the opinions of Mr. Bromley?—So far as Mr. Bromley's evidence refers to the practicability of establishing, through the inter-

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vention of Government auditors, an examination of railway accounts, I agree with it.

2141. The attention of this Committee has been directed by some of the witnesses to a scheme for identifying the interests of railway companies with the interest of the public, by attaching certain conditions to amalgamation. The fulfilment of those conditions to the satisfaction of both parties would depend upon the accuracy of an audit which should not merely be an audit of account, but should also be an audit of inspection. Are you of opinion that the difficulties which attend the establishment of that audit of inspection ought to be regarded as insuperable?—I think not.

2142. Mr. *Henley*.] How would you propose to carry it out?—I think that would depend very much upon the extent to which Government interference should proceed. Upon that point my opinion would not be of much value. But let the Government determine the amount of interference or control which they will exercise over the expenditure of railways, and I think Government auditors could carry out their instructions.

2143. Then are we merely to understand that your evidence goes to this extent, that if Government lays down certain defined rules, and certain things to be done, parties are to be found competent to do those things?—Certainly.

2144. And no further?—No further. I do not presume to point out what Government should be required to do; that will be decided by the Legislature.

2145. Are you conversant at all with railway accounts, or railway affairs?—No, I am not; but railway accounts are amenable to the same rules as other accounts.

2146. Then you cannot give any information, or suggest any mode, by which Government might lay down such a set of rules as would enable Government to judge whether the profits of the company were high or not, with respect to a pivot dividend?—I think if Government is to exercise a control over the expenditure, or if they are to be judges of the propriety of the expenditure, that a department should be created at the Board of Trade for that purpose, where there is already a branch possessing considerable knowledge of railway matters. I doubt whether the Commissioners of Audit, as that Board is now constituted, would be competent to form a judgment as to the propriety of railway expenditure.

2147. That would virtually be establishing a Government board to take the whole management of the railways into their hands?—No, I do not think that it would interfere with management; but Government might determine where an expenditure was an improper expenditure, and have it struck out of the accounts.

2148. Take, for instance, the case of a railway company running five trains a day when four were sufficient, which would increase the expenses of the company one fifth in that item; now is that to be struck out of the expenses, provided the Government board think it an improper thing to run five trains in the day?—I can hardly consider the possibility of such a case arising; I cannot imagine that any such interference with the discretion of railway directors can be intended.

2149. The convenience of the public is a great speculative element in the minds of directors, have they not very often great difficulty in knowing whether they should increase traffic, which will become eventually profitable, by running a greater number of trains, and thereby giving such facilities to travellers as would induce more persons to travel?—If it were done for the convenience of the public, I doubt if it could fairly be considered improper expenditure.

2150. Although it occasioned a loss?—It might not occasion a loss.

2151. But suppose it did?—It would be rather difficult to ascertain whether one particular train did inflict a loss upon the company or not; but if it did, I do not consider that an expense incurred in the usual course of management would be objected to.

2152. That is a question of management, is it not?—Yes.

2153. Supposing the directors purchased various materials for their railway in one direction, and the Board of Trade thought they could purchase them in another direction cheaper, should you wish a discretion to be exercised over such matters as that?—No; I do not think the Government would interfere in matters of that kind. Railway directors have a direct interest in procuring their materials in the cheapest market, and there is no doubt that any board of directors

directors would do so, and that Government would not attempt to cripple their freedom of action.

2154. Do you think, taking all the railway management in this country, that there is not a great deal of difference, inasmuch as some railways are more economically managed than others?—I have not looked into the details of the accounts sufficiently to enable me to form an opinion as to the comparative economy of management of railways.

2155. Would you suggest to the Committee to what extent, and in what particulars, you would wish this central board to have the power of interference?—As to the extent to which the Government might interfere, I am not prepared to state what ought to be done; but if they are to inquire into the propriety of the expenditure, a board might be established at the Board of Trade; it might be so composed as to embrace persons qualified to offer an opinion as to whether the expenditure was extravagant or not.

2156. Mr. *Labouchere.*] Would it be necessary that there should be on such a board persons who are practically conversant with railway matters?—Yes, practical officers; it should not be a department composed solely of accountants; other persons besides accountants would be required.

2157. Mr. *Henley.*] Economic management is a matter to which persons are obliged to devote a life, to acquire the means of carrying it out in these great concerns; do you think it would be very easy for the Government to find persons who would not be far behind in their knowledge of the management of such concerns as these great companies?—I doubt if Government would be disposed to go into the detail of management to that extent; but there is a wide margin between ordinary and extravagant and unnecessary expenditure; and, on great questions, I think a department under the control of the Board of Trade might operate as a check.

2158. If they did not go into this question of detailed management, how could they judge whether the pivot dividend had been approached, or so nearly approached, that it would be justice towards the public to compel a reduction of fares?—This department could, by examining the accounts, see if the expenditure had become extravagant and unusual, without an ostensible cause. I think there would be no great difficulty in that. I do not suppose they would interfere in small matters; but in large, and unusual expenditure, they would exercise a control over the railway companies.

2159. In your judgment, the public would never get the benefit of any reduction of the fares by means of this Government scheme, unless the expenditure was very extragavant, or so profuse, that it would quite outstep the margin which you state exists between extravagance and economic arrangement?—It must be a large expenditure which would influence the dividend.

2160. Do you think the dividends which are now divided among railway companies, are divided solely by the close and economic management of some of the ablest men in the country?—I assume that the management of railway directors is effective, and conducted with economy; I think the control exercised over them by their own shareholders ought to be sufficient to secure economy.

2161. Would not the interest of the shareholders be the other way, with regard to lowering the fares and effecting a dividend?—No; the permanent interest of the shareholders is, in economy of management; fares would not be lowered till the maximum dividend had been attained.

2162. That is, if they are to have a profit?—It must be a sudden increase of expenditure which would call for inquiry; the permanent expenditure would no doubt be conducted with economy for their own interests.

2163. That depends on whether their interest was to keep it down?—So long as they were short of the pivot dividend, their interest would be to keep down the expenditure; and under no circumstances would they have an interest in promoting unnecessary expenditure.

2164. Do you think that would be sufficient to secure to the public all those advantages which at present they have derived from economic management, and lessening the expenses of conducting the traffic on these railways?—The object is not so much to lessen expense as to secure effective management; so long as they are short of the maximum dividend which may be fixed, the shareholders' direct interest will be in economic management; the amount of expenditure which is incurred may not always be the proper test of economy.

2165. A low expenditure may not always be economic?—No; and Govern-

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ment might consider that a larger outlay was necessary for the safety of the public.

2166. Now, using the word "economic," in its true sense, do you not think the operation of the existing system has been to give to the public as low a rate of charge on the railways as is consistent with greater development of traffic?—I can offer no opinion as to what the effect of the past management of railways has been, but the interest of all parties concerned in railways is to have economic management.

2167. Do you think that would be greater or less, if the pivot dividend was fixed, subject to periodical revision by giving the board you speak of a control over railway management?—Up to the pivot dividend, undoubtedly, the shareholder would be solely interested; and if a maximum should be fixed, he would have no interest in an extravagant expenditure, even after he had ceased to derive a benefit from surplus profits.

2168. Do you not think it is a very difficult thing, for persons managing so great a concern as a large railway, to avoid getting into many expenses which of necessity makes them turn their attention to it to control and keep it down?—No doubt there is great difficulty in the management of such large concerns.

2169. Would it not be very easy for them to run into large and increased expenditure, without your being able to put your finger on any one item which you could charge as improper or extravagant?—Railways having been established so long, and the expenditure being now pretty well defined, I think that there would be no difficulty on the part of directors in properly controlling their expenditure.

2170. And there would be no difficulty in a Government board compelling them to do it, even if they should think fit not so to do?—The directors' interest and their sense of duty would induce them to carry on these concerns profitably and efficiently without Government compulsion.

2171. When they came near a pivot dividend, that would not be their interest?—They might incur extravagant expenditure, but that would be subject to inquiry and, if necessary, to control. They would probably be influenced by higher motives than that of personal interest.

2172. And do you think that might be efficiently controlled?—I think extravagant expenditure might be exposed, and subjected to inquiry.

2173. Do you think that expenditure could be controlled which might be excessive, but yet would not come under the denomination of extravagant?—I think if a large expenditure were incurred, and thrown into a particular period for the purpose of avoiding an excess of profits, and of keeping down a dividend, the Government control might be efficiently exerted in that case.

2174. But suppose it were not done suddenly, but that an expenditure generally, running over several years, of eight or ten per cent. on every item in excess, do you think it would be possible for a public department to say, "This is a larger rate of expenditure than ought to be," and cut it down to a more economic rate?—I cannot contemplate the possibility of such a system of management.

2175. Do you not think it is very easy, in the management of any large concern, without being able to charge extravagance on the parties managing, that they may pay five or ten per cent. or more, on their general rate of expenses, than other parties, who are induced by the necessity of severe economy to look close into every item of expenditure?—If they paid a higher price for their articles than was necessary, that would be dishonest management.

2176. Take, for instance, the case of many of the steam ship companies of the country, who have now got establishments of their own, and do a certain amount of work themselves, but who used to do that work through tradespeople, and it was said could not then carry on their operations in the profitable manner they have done since; the one would be an arrangement saving a great deal of money; the other might not be an improper payment; they might not pay more than the regular trade price, and yet not be profitable to the shareholders?—Directors might mismanage their affairs by improvident arrangements; but if no improper payment were made, I do not think that the Government would disallow it.

2177. If they did not disallow it, then they would not be able to effect the pivot dividend, and not be able to reduce the fares to the public?—That is a question

question for the shareholders; their money could not be improperly expended, without risking their profits. *W. G. Anderson, Esq.*

2178. If the shareholders still got their 6 per cent., it would be immaterial to them whether the fares to the public were reduced or not?—They would have the same interest as the rest of the public in the reduction of fares; a case of that kind could only arise suddenly. 11 March 1853.

2179. It might not; it might be a continuous system of want of economic management?—If it were fairly done, I do not see that it would be a case in which Government could interfere. An error in judgment would not justify a disallowance.

2180. If it was some error in judgment, or want of the most successful management, and those would not be points upon which a Government Board could interfere, the public would not get a reduction of fares?—Of course the public would get no reduction of fares in such a case.

2181. Do you think there is any inducement so strong to successful and economical and prudent management of large concerns as the inducement of gain?—Probably that feeling would influence most persons; but looking to the character and position of railway directors, I do not think they would accept the proposed conditions of amalgamation, unless they intended honestly to fulfil them.

2182. And removing the inducement to gain, is it not very probable that the expenditure might be to a large amount, without being capable of being called either profuse or extravagant?—If it were neither profuse nor extravagant, I do not see that it could be objected to.

2183. *Chairman.*] So long as the dividend did not approach the pivot, all the principles of self-interest, to which you have been referred, would operate to their full extent?—Certainly.

2184. If at the time of approaching the pivot a decided change in the amount of expenditure took place, the mode of audit which you contemplate would raise that circumstance to the surface, and make it ground for inquiry?—It would.

2185. With the mode in which that inquiry might be instituted you have not assumed to deal; you have left that to the Government; but, speaking as an accountant on the subject of audit, you undertake to say that it would be raised and be dealt with as might be thought proper?—Certainly; the examination of the accounts would bring every improper charge under review.

James Booth, Esq., called in; and Examined.

2186. *Chairman.*] YOU are the senior Secretary of the Board of Trade, and in your province is the management of all matters connected with railways?—That is so. *J. Booth, Esq.*

2187. Are you conversant with the Acts of Parliament under which the management and inspection of railways is in any degree entrusted to the Board of Trade?—I am.

2188. Explain to the Committee what is the nature and extent of the powers which Parliament has vested in the Board of Trade?—Various powers are given and duties imposed on the Board of Trade by the General Acts relating to railways, and by a great number of the local or special Acts duties are also imposed on the Board of Trade. Under the General Acts it is provided, in the first place, that no new railway shall be opened before it has been inspected by an inspector appointed for that purpose by the Board of Trade, and if the inspector report, that either from of the works, or from the insufficiency of the establishment, that the railway cannot be opened with safety to the public, the Board of Trade may for one month, if they think fit, order a postponement of the opening of the railway; and so on, from time to time, so long as their inspector, upon re-inspection, reports that the railway can not be opened with safety to the public. The Board of Trade has also powers with regard to the construction of various works connected with railways. It may sanction the substitution of a bridge for a level crossing authorised by the Railway Act, and it may authorise the making of necessary roads for approaches to that bridge. Also, where some particular work that is required under the special Act to be executed by the railway company proves very inconvenient, and it appears to the Board that some other arrangement may be made equally convenient to the public, and by which no private rights are injured,

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the Board may sanction that new arrangement with regard to the works. In the case of a slip upon a railway, the Board of Trade can sanction the entering on adjoining land by the railway company for the purpose of repairing the damage. Those are all the powers with reference to the construction of railways that occur to me at this moment.

2189. Will you now mention the powers that are vested in the Board of Trade with respect to the management and inspection of railways which are open and in full work?—The Board of Trade has the power generally to order an inspection of a railway, and there its powers are left by the Act. Returns of accidents on railways, attended with serious personal injury to the public, are required to be made to the Board of Trade, but no powers are by the Acts given to the Board for the purpose of inquiring into the causes of those accidents. It is the practice of the Board of Trade, in all cases of serious accidents, to direct an inspector to inquire into the circumstances and report.

2190. Is it also the practice of the companies, in most cases, to render assistance to the Board of Trade in conducting that inquiry?—It is; but supposing they were unwilling to do so, the Board has no power of examining their servants compulsorily.

2191. Is it your opinion that the powers vested in the Board of Trade are as complete as they might be, with a due regard to the service which the Board might render to the public?—I think it would be desirable that greater powers of inquiring into the circumstances of these accidents should be given to the Board of Trade; but practically the Board has not experienced inconvenience from the apparent deficiency in the Act as it stands.

2192. With regard to the power of the Board, it terminates with inquiry and report, and does not extend to compelling the company to adopt any recommendation which the Board may think fit to prescribe?—That is exactly so.

2193. State your opinion of the policy of the law as it now stands, and as to the propriety of any change in the direction of giving power over the railway companies in that respect?—That is a very difficult question to answer. What we do in practice is for the most part to send a copy of the report of our inspector to the company, calling their attention to those circumstances which, in our judgment, have led to the accident, and suggesting to them what it appears to the Board would be desirable to be adopted by the company as a precaution in the future.

2194. Mr. *Bright*.] With regard to those reports so forwarded to the companies, have you generally found the companies anxious or willing to entertain your suggestions, and, where practicable, to make such changes as you think necessary?—I should say, so far as my own experience goes, very generally there has been a disposition on the part of the companies to adopt any suggestions made to them on the part of the Board of Trade.

2195. And with regard to some suggestions, you would probably think it to be expected that a difference of opinion should exist?—That is so.

2196. Mr. *Labouchere*.] Upon the whole, are you disposed to think that there has been considerable advantage to the public from this power in the Board of Trade of examining and stating to the public, and to the companies, the result of that examination?—I think so.

2197. *Chairman*.] State whether in any, and what degree, you think it desirable that those powers should be increased?—I entertain considerable doubt whether it would be desirable that the Board of Trade should have the power of enforcing the suggestions which they may be disposed to make, on a company, because in that way the responsibility of the company would be by them assumed to be diminished, and in some degree thrown on the Board of Trade, and I think that very objectionable.

2198. The appointment of the servants resting with the directors, if the responsibility for the conduct of those servants did not rest either exclusively, or at least almost so, in the directors, would there not be a great temptation to putting incompetent persons, whom the directors might desire for other reasons to be kind to, into important positions on a railway?—The check upon that kind of improper practice would certainly be very considerably removed, if that responsibility was taken by the Board of Trade.

2199. Under the law as it now stands, any person who has sustained an injury short

short of death, by the mismanagement of a railway, or the legal representative of a person who has been killed upon a railway, has a right of action against the railway company?—That is so.

2200. Under the present system of inspection and report, is it not calculated to inflame the damages against the company, if there should be lying before Parliament a report from the Board of Trade, condemning, on the part of that company, a practice which, being persisted in, has led to the accident?—I think if that were in evidence before the jury, there is little doubt that the effect would be to inflame the damages given by them.

2201. And, on the other hand, if the company could show that they were acting in all respects not merely according to the recommendations of the Board of Trade, but under absolute and peremptory directions of the Board, in many respects, would it not have a tendency to diminish the amount of the damages which the jury might feel inclined to give?—I think that would be the case.

2202. Would it not, therefore, have, in two important respects, a tendency to render the company much less careful, if the Board of Trade were invested with absolute power more than it now is?—I think that would be the tendency.

2203. Is it not, on the other hand, possible that the different circumstances of different railway companies may render different modes of proceeding judicious on the part of those companies. As, for instance, in a very populous part of the country many things might be unsafe, which would be safe in a less populous part; and something might depend on the nature of the country physically; the gauge might operate on the question; in short, would it be an easy thing to make such regulations which would be equally safe in all parts of the country, and under all circumstances?—I think clearly not.

2204. Would it not then require, that if the Board of Trade were to take the responsibility of laying down regulations, that they should be well acquainted, not merely with railways in general, but able to give a specific opinion on the circumstances of each particular railway?—That would be so.

2205. Do you think it would more conduce to the public safety that the Board should assume that it possessed the degree of wisdom requisite for the effectual discharge of that duty, or that it should, as now, examine into the causes of every accident that occurs, communicate its opinion promptly to the company, and leave upon the company the responsibility of continuing to depart from that opinion?—I think, generally speaking, the present practice is the best. I am not sure that in some matters it might not be desirable that the Board of Trade should be able to call upon the company to furnish their regulations for the consideration and approval of the Board; but that is a question upon which one of our engineering officers would be able to speak with more confidence than I can.

2206. Mr. *Labouchere.*] You are now speaking with respect to public safety only?—Yes.

2207. Are you of opinion that any legislative enactments could be proposed which would increase the safety of the public travelling by railways?—Nothing occurs to me of that kind further than my answer to a former question, suggesting that, as to certain matters, it might be desirable that the Board should have the power of inspecting the regulations prescribed by the company for the government of their servants.

2208. Would you confine that power to simple inspection, and not to include alteration?—So far as it was considered expedient by the Board of Trade to take on itself to revise those regulations, I should propose that the Board should have the power of enforcing them.

2209. Does not your answer suppose a general power to lay down regulations for the conduct of railways to be entrusted to the Board of Trade?—Yes, within those limits.

2210. *Chairman.*] You mean there are some things which experience has so clearly proved, that the Board of Trade might, without presumption, entrust itself to enforce?—Yes.

2211. But with regard to railway regulations in general, it is a matter partly of absolute knowledge, and partly of growing experience, which it would be hazardous for the Board to assume?—I think so.

2212. Mr. *Labouchere.*] Are you able to specify to the Committee what those points are to which those regulations apply?—I am not prepared at this moment to do so.

2213. Mr. *E. Denison.*] If the Board of Trade were to find it necessary, upon the

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the inspection of any rails, to direct a change, and to insist on that change being carried into execution, would not the Board of Trade have the responsibility then thrown upon it of anything that might occur?—To a considerable extent it would; that would be a reason why a power of that kind should be exercised with great caution on the part of the Board of Trade.

2214. It is very important that the Committee should have your views on this limitation, because you say there are some powers which, for public safety, ought to be given to the Board of Trade, which it does not possess at present; now can you explain a little more in detail what you propose?—I will give an instance; I know it is the opinion of our engineering officers, that some means of communication between the guard and the driver of the engine ought compulsorily to be insisted on. That is one of the instances in which I am inclined to concur in opinion, although hardly competent to form an opinion, with the engineers. The necessity, in certain cases, of having a guard also at the end of the train, is one of those points upon which the engineering officers are much more competent to form an opinion than I am. There are some points, and this is one, on which I am inclined to think that powers should be vested in the Board of Trade of enforcing regulations.

2215-6. Mr. *Labouchere.*] Universally?—Where they thought fit with reference to a particular railway and particular circumstances; that is, to make regulations applicable to a particular company.

2217. Mr. *E. Denison.*] That would not be a case in which the Board of Trade would be taking on themselves any responsibility for any results which would follow; you could hardly assume any accident would be created by having a guard at the end of the train?—No; but the company might say, "We have complied with your regulations, and still there is an accident; you must share the blame with us." I think that would be an unreasonable objection on their parts, therefore that is one of the cases in which I think the Board of Trade might be entrusted with a power of enforcing regulations.

2218. Mr. *Bright.*] With regard to the particular point of a communication between the driver and the guard, can you state whether the Board of Trade has, on any occasions or occasion, suggested to any railway that such a communication should be established?—It has.

2219. It has been stated by another witness, that the railways are now about to introduce such a communication; do you suppose that is partly in consequence of recommendations from the Board of Trade?—I think it is.

2220. Did the Board of Trade recommend, a considerable time ago, that that communication should be adopted, or is it only a suggestion recently made, and immediately about to be attended to; have you ever suggested it when the railway companies have neglected to attend to it, and refused to consider it?—I do not say they have refused to consider it, but it has been matter of correspondence between the Board of Trade and a great number of railway companies, as far as two years back.

2221. Mr. *Henley.*] With reference to compulsory bye-laws, and matters of that kind, has not the Board of Trade now considerable power, in the event of two lines joining one another, and not agreeing upon the system on which their servants are to act?—Yes; in the case of two railway companies having a common terminus, the Board has power to enforce regulations there, so far as called for by considerations of public safety; it is limited to that.

2222. All the questions have been with reference to considerations of public safety; and, in that case, in which certainly the public safety is more involved than on a single railway, probably, the Board of Trade have now the power to settle those regulations?—They have; but it is limited to that one case of a common terminus.

2223. Mr. *Labouchere.*] Is there any other point which you consider sufficiently established, on which you are of opinion it would be right that the power [illegible] laying down general regulations should be entrusted to the Board of Trade, [illegible]ce to the public safety?—I think, where two companies have a por- [illegible] common, there is the same reason for having the power there, [illegible] terminus.

[illegible]t the Board of Trade has not that power?—No; the clause is [illegible]ect.

Have they the power where running powers are exercised?—

cised?—No, not unless it be given by the private Act; the power is given in many cases in the private Acts where there are running powers.

2226. Mr. *Labouchere.*] With regard to the interval at which different trains should follow each other, do you think it would be expedient to give the Board of Trade any power of interfering in that respect?—I think it would be inexpedient in the Board to exercise such a power.

2227. *Chairman.*] In point of fact, the circumstance of an accident happening to the engine of the first train, might cause a collision, if there were carelessness on the part of the guard of that train, even although a much longer time elapsed between the times of starting, than in all probability the Board of Trade would voluntarily prescribe?—Yes; I think the responsibility as to that must be thrown upon the company.

2228. As regards the correspondence between the railway companies and the Board of Trade, are you able to say that the practice of the Board of Trade has been, to pay the most prompt attention to accidents, and to obtain as early a knowledge of the facts of the case as they can, so as to bring them as quickly before the attention of the company, on whose line they have happened, as possible?—That is so, considering the staff of engineering officers at our command.

2229. Mr. *Labouchere.*] Have not accidents occurred more frequently of late, than they used to do formerly on railways?—It appears to me so.

2230. Are you able to state to the Committee any cause for that, or is it merely the effect of chance?—I am not able to state any general cause.

2231. *Chairman.*] The engineering matters you do not see, and not being an engineer, do not understand, so as to be able to speak to them?—No.

2232. But as being responsible for the conduct of the correspondence of the department, you are able to say whether it appears to be owing to one cause, or to few causes, or to many causes, that the different accidents have happened?—Yes.

2233. Would you say that it was owing to many different causes that the various accidents have happened?—To various causes; very often to neglect on the part of servants of railway companies of the regulations prescribed by the company.

2234. Is it not, also, sometimes, from the want of certainty and efficiency in those regulations themselves?—Yes.

2235. Mr. *Labouchere.*] Do you believe the police on railways to be less efficient than it used to be?—My experience has not been long, and therefore I do not think that is a question I can properly answer. I would rather leave that to Captain Simmons.

2236. Colonel *Mure.*] Would it not be desirable, although the Board of Trade did not take on itself the responsibility of prescribing regulations, that they should have clearly before them, and understand the regulations adopted by the different companies, in order that they might have the power of inspecting how far those regulations were habitually enforced for the safety of the public?—Yes, in the way of information to the Board, I think it is desirable they should have them; I do not suppose there would be any difficulty in their procuring, at any time, the regulations in force by the railway companies.

2237. Would it not be desirable to have those regulations laid before the Board, and under their habitual examination, that they might, without prescribing the regulations, sanction and approve of them, and in that way exercise a beneficial superintendence, which would not involve that responsibility on the part of the Government which you consider would be injurious?—I think it might happen, that if the regulations were formally laid before the Board of Trade, and were not objected to on the part of the Board of Trade, it would be assumed that they had approved of those regulations, and thus the inconvenience which has been adverted to would arise.

2238. *Chairman.*] Namely, that the responsibility of the company, both morally to the public, and also in a pecuniary sense to the sufferers by the accidents, would be diminished?—Exactly so.

2239. Colonel *Mure.*] Would not that give the Board of Trade a greater power of seeing that the company did enforce those regulations, which they admitted themselves to be beneficial?—In the case of any accident occurring, it is the common practice for the engineers to call for the regulations, and to see how far the accident is or is not attributable to the neglect or insufficiency of those regulations.

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2240. But in case there was great neglect on the part of individual railway companies, in laying down sufficient regulations, might not the Board of Trade have the power of laying down some regulations which, to the company itself, should appear sufficient, or calculated to guard against accident?—I do not know that there would be any great mischief in giving the Board of Trade power to do that in cases where they should think fit, but I think the use of such a power ought to be very cautiously exercised.

2241. I drew an entire distinction between the Board of Trade and any department of the Government prescribing and authorising these regulations; but assuming their power of inspection, having some knowledge that regulations were laid down, and being aware of the nature of those regulations; did you so understand the question?—Yes, I assumed that.

2242. *Chairman.*] That knowledge you have at present?—That knowledge we have; or we have the means of obtaining it; that is to say, there is no indisposition on the part of railway companies to furnish any information of that kind which the Board of Trade think fit to ask for.

2243. Colonel *Mure.*] You have the means of finding what the regulations were after the accident; but if you did not know what the regulations were before, you would not know whether the proper precautions were taken on the different lines?—I think that is coming back to the question of having a general superintendence over the regulations of railways.

2244. *Chairman.*] In point of fact, the power of the Board of Trade is not to inspect in the case of accidents, but to inspect generally?—Yes.

2245. Practically, the Board of Trade has the means of knowing what are the regulations of every company?—Practically, it has.

2246. There are some cases to which I should like to direct your attention particularly; for instance, the case of the South Devon Railway, which has been reported to the Board of Trade to be in a state in which it is not fit that the line should continue to be worked; the Board of Trade has no power to prohibit the working of that railway?—It has not.

2247. Where it is reported to be absolutely unsafe that a railway should continue open, there being, on the other hand, manifestly a great inconvenience in shutting up a line of communication between important places, should the Board of Trade or the company, in your opinion, take the ultimate responsibility, and decide whether the traffic should be allowed to go on or not?—I am inclined to think it is better to leave it with the company than invest that power in the Board of Trade.

2248. The point at present being, that there is, short of closing the line, which the Board of Trade has not the power of doing, every caution that it can suggest administered to the company?—Yes.

2249. The report of which I have spoken, made to the Board of Trade by its engineer, as to the unsafe condition of the line, having been communicated to the company, brought under their notice, reported upon by their engineer, and the precautions which they have thought proper to take as to watchmen, and in other respects, having been laid before the Board of Trade in such a form that it can lay them before Parliament, do you think, with a consideration of what is most likely to conduce to the safety of the public, that it is not desirable we should be empowered to go further?—That is my opinion.

2250. More detailed questions, on the nature of any regulations which might be adopted for the purpose of ensuring the public safety, you would prefer to leave to Captain Simmons, the Secretary who, under you, superintends the railway department, whose engineering knowledge so well qualifies him to give an opinion on that subject?—Exactly so.

2251. Mr. *Henley.*] With regard to a line declared to be unsafe, does your opinion extend to imposing any regulations short of closing, which might conduce to the safety of the public?—No; it does not appear to me that we could usefully interfere further than to suggest to the company such precautions as we thought desirable to be taken, and having suggested them, to leave the responsibility of acting on them or not with the company.

2252. Do you think that it would be desirable to place in the hands of a public department the power of limiting speed over railways declared to be dangerous after inspection?—I give an opinion upon that question with great hesitation; it is a part of the same general difficulty which has been stated, and I am inclined to think that it had better be left with the companies themselves.

2253. *Chairman.*]

2253. *Chairman.*] There has been laid before this Committee a proposal for amalgamating great railway companies together, reserving certain securities for the benefit of the public; are you aware, generally, of the nature of that plan?—I am.

2254. If Parliament should decide that competition is impossible, and that, therefore, it is its duty to regulate the railways for the protection of the public, are you of opinion that a plan of that nature can be successfully accomplished?—I am inclined to think that it may.

2255. The question is a difficult one; but the inclination of your opinion is, that the difficulty is not insuperable?—That is the inclination of my opinion.

2256. Before the subject of amalgamation was entered upon, you should have been asked to describe the mode in which the Board of Trade enforces the powers which Acts of Parliament have vested in it?—The Board of Trade has the power of enforcing the execution of Acts of Parliament relating to railways generally, where it appears to them that it is for the public advantage they should do so.

2257. That is, through the Attorney-general?—Through the Attorney-general. The proceedings are to be upon the certificate of the Board of Trade to the Attorney-general, and that certificate is not to be issued until after 21 days' notice of the intention to issue it has been given to the company.

2258. Mr. *Labouchere.*] Has that system worked well?—We have had during my time, I may say, almost no experience. There is, at this moment, a question in which we have taken the opinion of the law officers upon a certain point, and intimated to the railway company that we have their opinion that the Act may be enforced, and have desired to know what course it is their intention to take.

2259. Has the Board of Trade lost several of the actions it has brought against railway companies?—I believe it has; that has not been during my time.

2260. *Chairman.*] Now we will return to the question which we were referring to before, namely, the mode in which, if amalgamation be allowed, security may be most efficiently given to the public; state what, in your opinion, would be the outline of any such arrangement?—The outline which I understand to have been proposed, and which I am disposed to approve, is that the capital of the amalgamated company should be ascertained and fixed; that the maximum dividend should be fixed by the Committee on the Bill sanctioning the amalgamation; and that when, after a limited time, the profits exceed the fixed dividend, there should be, if the Board of Trade think fit, a power of revision of the tariff.

2261. With an audit?—With an audit.

2262. Now, as part of such arrangement, would it not be necessary that there should be very wide powers in regard to the management of the railways themselves; that is, that they should not be allowed to hinder lines with which they were not united from pouring their traffic into the amalgamated lines, at the places and times, and in the manner most convenient to such other companies, and the public travelling on them?—I think that very large powers should be given to some department, with a view of preventing the inconveniences that would arise from the causes that you have suggested.

2263. Also with regard to the carriage of coals or merchandize, would it not be necessary to take care that the utmost facilities were given to the trading public with regard to the transit of such goods?—I think so.

2264. Would you propose to exercise such powers through the instrumentality of a central board directly carrying such powers into effect, or do you think that the institution of an inquiry by arbitrators or judges, who might hear both parties openly, and settle the question in the neighbourhood in which it arose, would be more likely to be satifactory to the public, and more likely to be efficacious?—I think the mode you have suggested would be more likely to be satisfactory and efficacious.

2265. That is, the latter mode?—Yes; upon complaint to a department, I will suppose the Board of Trade, the Board should have it in its power to direct an arbitration with a view to the investigation of the complaint, and providing a remedy.

2266. And then the award of such arbitrator must, of course, be specific as to the future, and not confined either wholly, or even principally, as to damages for the past?—I should assume that one of the matters that might be referred to such an arbitrator would be the power of laying down regulations, to be enforced under a penalty, with a view to obviating the recurrence of the grievance that had been complained of.

2267. Such award to constitute the regulation of that matter until, by some new

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new award, appointed under the same authority, it should have been found, from change of circumstances, expedient to make a new regulation?—I think that probably would be the method.

2268. Considering all the difficulties which naturally belong to the subject, do you think, upon the whole, it would be expedient to adopt a machinery of that kind?—I am not able to suggest any other so likely to answer the purpose aimed at.

2269. Have you any faith in the opinion that has been expressed, that competition between railway companies will operate as competition between private traders operates, to give effectual protection to the public against enhancement of rates, interference with public convenience, favouring particular trades, and so forth?—I think that, where the competing parties are so few, you cannot for any length of time reckon on competition having that effect.

2270. Do you think, from your experience, that the result of competition has been to end in combination?—It has.

2271. With regard to the mode of legislating for railway companies, are you of opinion that it would be possible to adopt a more judicious mode of solving questions of railway legislation, than by referring them in the manner in which they are now referred to the Private Bill Committees?—No such mode has occurred to me.

2272. Are there any other points upon which you have any observations to offer?—There are some points upon which the powers now given to the Board of Trade, under the General Railway Acts, in which I think there might be some little amendment. It has been already mentioned, with respect to a common terminus, the power of the Board of Trade to interfere is limited to the common terminus, and does not extend to a portion of joint line. That seems to me to be defective. The returns of accidents that the companies are required to make, are limited to returns of accidents attended with serious personal injury to the public, and there is 48 hours for making the return. I think it is desirable that the returns should be within a shorter period, and should be extended to all serious accidents.

2273. Mr. *E. Denison.*] The questions which have been lately put to you assume that the Board of Trade, under the new system of management, is to have very large and increased powers; and you have expressed your opinion that, in the prospect of these amalgamations, it is your opinion that some department of the Board of Trade should be established with these increased powers?—I did not contemplate any change which would render unnecessary the amendment of the existing Acts for the regulation of railways.

2274. Do you not assume, that your general powers would be so large that they would cover such a point as you have now been speaking of?—I think this point would remain as before. The companies are bound, under Act of Parliament, to make to the Board of Trade certain returns of accidents. Those returns, which they are required to make, are of an imperfect character; they would still be of an imperfect character, supposing this scheme of amalgamation, which has been suggested, were carried into effect, unless there was some provision for amending it.

2275. You spoke before about the powers of the Board of Trade, which extend to a common terminus, but not to a common line; you must assume that the Board of Trade is going to be put into the position which the Chairman's questions imagined?—Perhaps that would be so. I do not know that it is necessary that I should trouble the Committee with these details.

2276. If the Board of Trade had these very large and increased powers, it will be necessary that they should also have a very great share of responsibility; is not that so?—The responsibility will be considerably taken off their hands by the arbitration that is proposed.

2277. Supposing one company will not accommodate its trains to meet another company; upon a complaint of that, would that be decided by the Board of Trade, in your view?—Yes.

2278. One company might resist, and say, "If our train is compelled to meet a train at such a time, inconvenience, and perhaps danger, will arise." If it is ordered to do so, then the responsibility will be upon those who order it, and taken away from those who resist it?—The responsibility of fixing the trains at those hours no doubt would rest, in some sort, on the Board of Trade, who should have sanctioned the award that had been made.

2279. But

2279. But can you imagine that a department, with the powers you have been speaking of, and with powers necessary to carry into effect the system that has been described, should not be a Board also having great responsibility to rest upon it?—No doubt there will be a considerable degree of responsibility.

2280. Then the Board, to exercise these powers, must not shrink from the weight of responsibility also?—Undoubtedly it must not.

2281. Mr. *Labouchere.*] Did you not state that you thought, under the present state of the railways of this country, the principle of amalgamation should be adopted by Parliament, but acceded to under certain conditions?—I think so; I think that, being inevitable, it is desirable that it should be regulated.

2282. If that principle is adopted, do you think it would be desirable, on some system, to divide the country into districts, within which this amalgamation should prevail, or would you leave the principle to be carried into effect by the chance of Acts of Parliament brought forward by agreement by particular companies?—I would leave it to grow up from time to time, as the companies applied to Parliament to amalgamate; I would give facilities for co-terminous companies being let into an existing amalgamation.

2283. Do you believe that the ultimate effect of that principle, if encouraged, would be to embrace all the railroads of the country into one system?—I do not know whether it would be one system, but it would be a very small number of systems.

2284. Do you think it is desirable that that should take place by the voluntary action of the companies themselves, rather than any attempt made by the Government to apportion out the country into such districts as might appear to be most convenient?—I am inclined to think it would be better to leave matters to take their natural course.

2285. Difficulties would probably arise on the points of junction of these different railway systems, would there not?—Those difficulties would be one of the matters to be arranged in the manner which has been suggested.

2286. Do you think it would be possible, by a system of arbitration, to arrange all the minute difficulties which might arise under those circumstances, without bringing into effect the direct action of the department of the Board of Trade?—The direct action of the department of the Board of Trade would go to this extent, that they would have to sanction any application for the appointment of an arbitrator; the parties complaining would have to show that theirs was a case contemplated by what I will call the Amalgamation Act, and therefore in which the Board of Trade would be called on to appoint an arbitrator.

2287. Would you propose that this central authority should have the power of taking care of the public convenience?—I would.

2288. Would not that involve a great many points of detail of all kinds?—It would.

2289. Do you think it would be necessary, in order that the public convenience should be sufficiently protected, that the power thus given should be very arbitrary and very summary?—I think very large discretionary powers must be left with the Board of Trade as to the appointment of these arbitrations.

2290. Do you mean as to the points on which this arbitration should take place?—The points should be to a certain extent defined in the Act.

2291. If such a body is really to have the power of protecting the public in all respects, in all possible cases, against the action of great companies that have thus obtained possession of a great district of country, must not the power of that central authority be of a very summary and minute description?—It must be very extensive, undoubtedly.

2292. Very general?—Very general.

2293. Is it not very difficult to foresee every case in which the public convenience will be involved?—It is extremely difficult to foresee every case.

2294. You would then have put down everything like competition?—Yes, within the limits comprised by the amalgamated company's railways.

2295. May not the claims of a particular town to have its convenience consulted occasionally conflict with the pecuniary interests of an amalgamated railway company?—Do you mean a town upon the railway?

2296. Take the case of a town that requires a new branch to be constructed, would you give the central authority the power of obliging such a branch to be constructed?—No.

2297. How would you provide for that?—I would give the parties who were willing

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willing to undertake the construction of the branch the means of having it, when constructed, worked in the most economical manner; that is to say, worked by the railway company at the same proportion of expense as their working expenses bear to the proceeds of the rest of the line.

2298. Would a new Act of Parliament be necessary in order to enable this new railroad to be constructed, where it only was to protect private rights?—Supposing the landowners were consenting to the construction of the line, then I should not think a private Act of Parliament necessary. I should think the proposed line might be sanctioned by the Board of Trade, and then scheduled in a general Act, in the same manner as enclosures under the Enclosure Act.

2299. Mr. *Denison.*] It has been assumed that this Board should also have the power of arbitrating on questions of amalgamation between railways and canals?—Yes.

2300. Have you turned your attention to that branch of the subject?—Yes.

2301. It has been given in evidence that, when railways have canals under their control, by purchase or lease, difficulties are often thrown in the way, or in the course of canals, of which those might form a link?—Yes.

2302. It is proposed that this Board, with great authority, should be able to interfere to see that canals had fair play in the course of their traffic?—That would be one of the cases in which I should contemplate that an arbitration would be allowed to go on, if the canal complained that the arrangements of the railway company were such as unduly to interfere with it.

2303. Mr. *Labouchere.*] With regard to what are called "carrying questions," one of which is complaints frequently made on the part of carriers, that they are unequally charged on different parts of the same railway system, would you, on points of that kind, give a power to this central authority?—I should propose to do so. Carriers, desirous of having the advantage of the railways, and complaining that they had not equal advantages for their traffic on the railways, I would give the power, on depositing a sum for the costs of the arbitration, of having the matter inquired into.

2304. In short, you think it would be necessary to give very summary or general powers to the central department, if it is to be expected that that central department can, in all cases, protect the interests of the public from amalgamation?—Yes, defining them with reference to certain principles.

2305. Do you think the experience of the Board of Trade, with respect to the power it now possesses of controlling railway companies, by putting the Attorney-general in action, would lead you to think that is a very convenient or efficient mode of dealing with railway companies?—I think what is proposed is very different from the case of having an action brought against the company through the agency of the law officers for not complying with the Act; there would be large, and in some sort discretionary, powers in the arbitrator.

2306. That would not be a substitution for it?—I think not.

2307. *Chairman.*] You have spoken of the arbitration being conducted in public, both sides being heard; and the award, when sanctioned, consisting of regulations for the future, and penalties being assigned to the breach of those regulations: such penalties would be recoverable in the ordinary way without any necessity of putting the Attorney-general in motion?—That would be determined by the provisions contained in the Act.

2308. But contemplate such a plan; it might be that even justices of the peace would have the power of summarily deciding on it?—It might be so; or if it were desired in certain cases to give a greater degree of responsibility, it might be thought right to leave the penalty only to be recovered by the law officers. I think that is a very fair question for consideration in settling the details of the Bill.

2309. Mr. *Henley.*] You have stated that amalgamations should take place upon the condition of the capital being ascertained, a maximum dividend fixed, audit, and periodical revision?—Yes.

2310. Do you contemplate within that periodical revision that there should be permitted to be any increase of capital?—With the sanction of the Board of Trade, under a provisional order to be confirmed in the manner that I have suggested, by being scheduled in the general Act, as in the case that has been supposed of making a branch line.

2311. For the purpose of making a branch line, or any new work that might be done with the sanction of the Board of Trade?—Yes.

2312. Do you contemplate that there should be any possibility of an increase of the capital by expenses upon the existing works being carried to capital in that time?—I should think not; I should suppose that all repairs and works, that were not new and additional works, would come out of the current receipts of the line.

2313. Would you think it right to entrust to the auditors a discretion of charging to capital any portion of the expenses incurred in the old works during the periodical revision?—I should not contemplate that.

2314. How do you propose, in these large amalgamations, that the interests of the several parties comprised in the amalgamation should be dealt with?—That would be settled by the Committee on the amalgamation Bill, in the first instance.

2315. The several parties would make their private arrangements between themselves, and go with those private arrangements to the Committee who was to sanction the amalgamation?—Yes; but I should contemplate that the Committee would itself inquire in some sort into the propriety of the arrangement that was proposed.

Lunæ, 14° *die Martii*, 1853.

MEMBERS PRESENT.

Mr. Cardwell.	Mr. W. Patten.
Mr. Henley.	Mr. Strutt.
Mr. Bright.	Mr. Deedes.
Mr. E. Denison.	Mr. Laffan.
Mr. M. Milnes.	

THE RIGHT HON. EDWARD CARDWELL, IN THE CHAIR.

James Booth, Esq. again called in; and Examined.

2316. Mr. *Henley*.] IN the event of an amalgamation taking place with lines which were lessees of other lines, what should you contemplate would be a right course to take with regard to those leased lines, as to making them parts of the amalgamated system, or otherwise, at the time of the amalgamation?—I think that would depend on the circumstances of each particular case. If the lessors of the line had a substantial interest in the question of the amalgamation, they clearly, I think, would have a right to be heard before the Committee to suggest anything that might be necessary for the protection of their interests.

2317. Do you think that, assuming that the whole district is comprised in a large amalgamation, that it would be just to require that the several small pieces that may now be under a condition of lease, for a shorter or a longer period, to the trunks proposing to be amalgamated, should of right be made permanent parts of that system?—Not without an opportunity of being heard to show any reason why they should not.

2318. Supposing that they wished to be so, do you think that they should have a right to claim it?—I think so; that is, to state their claim to the Committee.

2319. Not to have an absolute right to become a permanent part of the system if they wished it, unless the Committee judged it were right?—Without knowing the circumstances of the particular amalgamation proposed, I could hardly form an opinion upon that question.

2320. At all events you think the parties should have a distinct right of reversion; to come in and state how the amalgamation might affect their interest?—I think clearly so.

2321. Are you aware, from your knowledge of railway matters, whether there are any lines leased for terms of years, not to assume a permanent character?—I know there are several. The particulars I am not at this moment able to state. The greater number are leased either in perpetuity, or for a very long term of years; but there are some leased for shorter terms.

2322. *Chairman*.] Has it been found an insuperable obstacle among the companies

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panies themselves, in effecting an amalgamation, that there were such reversionary interests to deal with?—I am not aware that any difficulty has ever arisen, but practically that question has not come before me.

2323. Mr. *Henley.*] You do not think it would be right to lay down any general principles upon which such sort of interests should be dealt with, but would it be safe to leave it to the discretion of each Committee?—I think it must necessarily be left to the discretion of each Committee.

2324. Without any general principle being laid down to guide them as to how they were to treat these interests?—I am hardly at this moment prepared to say whether any general principle could be laid down by which the Committee could be usefully guided.

2325. They might be very seriously affected by an amalgamation of lines, of which they formed a system?—They might so; and for this reason it is quite right that they should be heard to state to the Committee anything they have to say, as to the mode in which they will be affected by the amalgamation, and to suggest any provisions for the protection of their interests.

Captain *J. L. Arabin Simmons*, Royal Engineers, called in; and Examined.

Captain *J. L. Arabin Simmons*, R. E.

2326. *Chairman.*] YOU are Secretary of that particular department which, under the Board of Trade, inspects and superintends the management of railway companies?—Yes.

2327. So far as the law vests that inspection or management in any public department?—Yes.

2328. How long have you been so?—About three years; rather more than three years. Previous to that I was three years an inspector of railways under the Commissioners of Railways.

2329. Then we may take it, that for the last six years you have been practically conversant with the management of railway companies, so far as that is entrusted to any department of the Executive Government?—Yes.

2330. Have you any knowledge of the system under which any of the foreign railways are managed?—Yes. On a late occasion I went to France and to Belgium, with a view to ascertain, from the Government authorities in those countries, what measures were adopted in those countries with reference to the safety of railway travelling, especially on the subject of the communication between guards and drivers.

2331. And with regard to safety generally?—Yes.

2332. You have returned within the last three weeks, and your report on that subject has been laid on the table of the House of Commons?—Yes.

2333. Adverting to the first question which has been referred for consideration to this Committee, will you state your opinion as to the question of railway amalgamations generally?—Upon the subject of railway amalgamation generally, I would state that many benefits might be expected to be derived from it but, at the same time, there are certain risks to be apprehended from its too great extension. Among the benefits to be derived from it, I think may be classified, first of all, a cheaper system of working the railways, which would arise from several causes. In the first place, one management may be considered cheaper than several. In cases of duplicate lines there may possibly be a better arrangement of trains, and a diminution in the mileage of trains. There might also be expected to be considerable economy in the use and wear and tear of the rolling stock, and economy in the large establishment for the manufacture and repair of that stock. And certain benefits may also be expected to the public from the correspondence of trains, and their greater speed; that is, not the actual speed, but from their passing over shorter lines the public may possibly derive the same benefit as they would from an acceleration of speed over the longer lines. And a single management would be certainly beneficial in the arrangements which the Government may have to make with reference to the conveyance of troops and mails; and also a greater security may be expected to railway property from an amalgamation of lines. With respect to the saving of future expenses in Parliamentary contests, also, I think there would be a benefit; and also, I think, a greater degree of safety; that is, that if lines could feel themselves guaranteed in a particular district, it might lead to their extending the accommodation, and duplicating their lines for the accommodation of their traffic,

traffic, and so diminish the risk to be apprehended from the different speeds of trains conveying different descriptions of traffic.

2334. Having thus given a general outline of what you consider are the benefits to be derived from amalgamation, state whether, in your opinion, there are any dangers to be apprehended from such a system which ought to be brought under our notice?—The dangers which I conceive may be apprehended from amalgamations are, first, from the effect of very large capitals invested in single companies, giving them consequently Parliamentary influence, and rendering it very difficult for small individual companies to be formed, or where existing to continue, except upon terms to be dictated by the larger companies; and the large receipts also rendering the expenses of litigation respecting traffic or any other matter of small moment, compared to the permanent advantages to be derived from crushing a smaller rival. Another danger which I should consider to be worthy of the attention of the Committee is, the probable extinction of all check arising from the apprehension of new railway companies being formed in rivalry to their own. Another is, that from the central management being on so large a scale, and occupied with the greater interests of the company, they are likely to overlook the interests of distinct localities and smaller districts in regarding those of the company generally, in the same manner that has been alluded to by Mr. Swift in one of his replies as his objection to a Government management generally of the whole railways of the country. There is also an objection, and I think danger to be apprehended from amalgamations, from the power possessed by the companies, under the existing laws, of changing the value of the property along their respective railways by charging unequal rates, by varying the times of the trains, and changing the position of stations, each of which may be made to operate to change the relative value of the property on different parts of their line. There is also a power of closing lines, or partially closing them, so as to inconvenience the public residing along those particular lines. It might also be apprehended, that if there was no danger of rivalry, the accommodation in carriages might be decreased by over-crowding them, and also there might be less incitement to attention and punctuality on the part of the companies.

2335-6. Much evidence has been laid before this Committee, some on both sides, as to the truth of the proposition which has been mentioned, that where combination is practicable, competition is impracticable; will you state your opinion on that subject?—Not being so familiar with the traffic arrangements of railway companies as those in whom the particular management of them is vested, I am not able to speak so well as they are; but from what I have gathered in the period that I have been in the Board of Trade, and facts which I have heard, I think there can be no doubt that the tendency of competition is to produce combination, not only between railways, but even between railways and canals; and that it has gone already to a very great extent in this country, and will no doubt go to a still greater extent. As an instance of that, it is well known that the Caledonian, and Edinburgh and Glasgow Railways have come to terms with the Navigation of the Forth and Clyde Canal.

2337. So that there being three competing lines of communication between those two great cities, that is, three lines which might naturally be expected to compete with one another, the public advantage of that competition is not secured?—No, it is not.

2338. Do you know what is the extent of amalgamation now awaiting the decision of Parliament?—I have had a list prepared of the Bills of the Session, in which I find that there are 181 Bills deposited, 13 of which had not been petitioned for at the time this list was made, which was probably a week ago, leaving 168 Bills now before the House. Of these, 32 Bills are for amalgamations, sales, or leases. Petitions, in two of these cases, had not been presented on the 4th of March. There are also 70 Bills containing running powers, traffic arrangement, &c.; petitions in four cases had not been presented on the 4th of March, and four Bills have been read a second time; and, therefore, I presume the running powers would be struck out under the order of this Committee. I have a list of the various Bills in detail, if the Committee think it proper to have it on their Minutes.

2339. Speaking generally, what is the mileage and what is the amount of capital now under the consideration of Parliament in the 32 Bills, being amalgamation Bills?—This is a detailed list, giving the Bills, with the number of

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miles of railway or canals, and the total powers for raising money up to December 1851, the total raised to the same period, and the gross income for the year of each of the companies. I have not taken out of it the gross total to show the amount of the whole, but the effect of each amalgamation Bill is shown separately.

See Appendix, No. 8.

2340. Will you state what is the extent of amalgamations applied for in connexion with the London and North Western Company?—There is one Bill for amalgamating the London and North Western with the Midland Railway Company. The undertaking of the London and North Western Railway Company comprised in December 1851, which is the latest period to which our returns are completed, 527 miles of railway and 95 miles of leased lines, with 23¾ miles of canals. The total powers for raising money amounted to 36,954,620*l.*, of which they had raised 30,134,818*l.* In addition to this, the powers of the Buckinghamshire Company, which is leased to them for 999 years, for raising money, amounted to 1,690,000*l.*, and the money raised under those powers to 1,241,025*l.* The part of the North Union capital, which is secured by the London and North Western, amounted to 763,966*l.*, giving as a total, at present under the influence of the London and North Western, 622 miles of railway, and powers to raise money to the extent of 39,437,620*l.*, and powers already exercised to the extent of 32,139,808*l.* The gross income for the year of that company was 2,874,423*l.* The Midland comprised in its undertaking 445 miles of railway, and 42 miles leased to them by the Leeds and Bradford Company. It also possessed 41½ miles of canals. The total powers of the company for raising money, including the Leeds and Bradford Railway, were 19,902,159*l.*, and the sum raised amounted to 17,013,697*l.*, and the gross income to 1,159,716*l.* The North Staffordshire comprised in its undertaking 112 miles, and 93 of canal; its total powers for raising money 5,820,000*l.*, the sum raised under those powers 4,779,330*l.*, the gross income for 1851, 131,600*l.* Taking those three together, which are the three principal amalgamations of the London and North Western, assuming them carried into effect, the amalgamated company would own 203¼ miles of canals and 1,241 miles of railway, being one-sixth, or thereabouts, of the total mileage opened in the kingdom—Great Britain and Ireland. The powers to raise money would amount to 67,735,445*l.*; the sum actually raised would amount to 54,536,032*l.*, being about one-fourth of the raised capital of the country, and the income would amount to 4,182,013*l.*, being about one-fourth of the income in that year of the railways of the country. These figures have been taken from the returns which have been made to the Board of Trade from time to time, and from which they compile the returns which are laid on the table of the House, and similar information is in this return with regard to all the amalgamation Bills now before the House, which, perhaps, I had better put in.

2341. The owners of that amalgamation, then, would have either the absolute command, or at least a very great influence, over the communications between London and Glasgow, London and Edinburgh, London and Liverpool, London and Manchester, Birmingham, Leicester, Dublin, and also between Gloucester and York, and the various cross-communications which are in any way connected with, or dependent on, those great lines of communication?—Yes; the communication from London to Edinburgh on the west coast, not on the east.

2342. That is one of the lines by which communication is carried on with Edinburgh?—Just so.

2343. You have mentioned certain advantages which, in your opinion, would result from amalgamation; and, on the other hand, certain dangers which you apprehend, if such amalgamations should be improvidently granted. You have also stated the opinion expressed to this Committee, that combination being possible, competition will be ultimately found to be impossible, is consistent with your experience in regard to the management of railways; can you now state what are the principal provisions which Parliament should seek to acquire for the protection and benefit of the public?—The principal provisions which, I think, should be required for the protection of the public, in the event of amalgamation proceeding to any further extent than it has already done, are, first, that facilities should be secured for forwarding traffic at junctions, including under that head the arrangement of trains as to time, where complained of; and powers to oblige a company to take foreign carriages, or carriages from other railroads, on their own line; and a power to compel companies to allow passengers to book through with one ticket, and for goods to be invoiced for the through journey;

journey; and a power to compel the companies to carry passengers forward who arrive from foreign lines at fair rates. I think, also, the times of the train and the charges should be published, the latter divided under the several heads of terminal charges, mileage charges, or any other charges, such as demurrage; so that the public may feel satisfied, when the charge is made to them, it is not only a charge that is consistent with the Acts of Parliament, but that it is one which has been authorised by the companies. I think no alterations should take place in the times of the starting of the trains, or in the fares, without some previous public notice. I think it would appear, also, that some regulations would be necessary with regard to the construction of new lines, and allowing other lines, which are already existing, to come into the amalgamation, which may have junctions with the amalgamated lines, or be coterminous with them. I think, also, that some provisions would be necessary for the regulation of trains: first, as to the times of their arrival and departure, and as to fares; to prevent the closing, or the partial closing, of the lines, or an alteration in the value of property which may arise from an improper alteration of the trains.

2344. By alteration in the value of property, do you mean the making of any change in the railway facilities afforded to a particular district, by reason of which the property in that district would be affected?—Just so.

2345. As, for instance, if a station were removed from one place, and put to another place, a mile distant, it could, probably, greatly improve the property to which it was removed, and greatly deteriorate the property from which it was removed?—Just so. A case came before me of that kind some two years ago. A gentleman came to the office, and complained that a company had so altered the times of the trains at a particular station in the neighbourhood of the metropolis, that he could not by any possibility get into his business in the City in proper time; and, also, that at night he was compelled to remain in the City some two or three hours longer than he liked; that he had taken his house on the faith of the trains that were then running, and that it really was such a nuisance to him that, unless it could be altered, he should be obliged to give up his house. I, of course, was not able to inquire into the case, because it was one which we had no power to deal with. I state this as illustrating a possible event which may affect the value of property.

2346. Speaking generally, the interest of the company would be to afford the utmost facility to the greatest number of persons; but, in your opinion, there might be cases where the powers of the company would be arbitrarily or carelessly exercised?—Yes, they might be arbitrarily exercised.

2347. Mr. *Bright.*] Would you recommend that the Board of Trade, or any other power, should undertake to accommodate the various trains upon the great lines of railway to the accidental convenience of any particular merchant wishing to come to or go from the City?—I think it would be very right that there should be a power by which an arbitration might be set up to determine whether the convenience of the district is properly served or not.

2348. Between one householder within six miles of London and a railway company?—Of course, if he made out his case. I do not see the difference between one householder and another case; but if he made out his case to a public Board, that it was a grievance, I think, if he was willing to incur the expense of an arbitration, that it might be reasonable to consider his case.

2349. Do you not find, with respect to the various businesses in this metropolis, or any other large town, that men come in from necessity or choice at all hours, and go out at all hours; and they do not come in and go out at the same hour each day, nor the same hour, each day, at each season of the year; do you suppose that the Board of Trade, or any arbitration, should have its time occupied in regulating the trains for every body's convenience?—If there was a personal grievance at a particular place, and a number of persons were inconvenienced.

2350. That is not the answer you gave; you gave, as the case in your answer, one person who has taken a house at a given point, and he finds an alteration in the trains; the precise time does not suit him; he wishes to get into business earlier; he can go half-a-dozen times a-day, and come back again, but not at the precise quarter of an hour that he wishes; do you conceive that a grievance?—I merely stated that as an instance to show in what way the value of property might be affected. I do not mean to say that that single case would be a proper case for arbitration; I merely stated that as an instance of what might be done, if you take it on a larger scale. If you take, for instance, the

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Brighton line; I do not mean that such a thing is possible with regard to the Brighton line; but I am aware that numbers of persons hold season tickets on that line, and come up by the same train every morning to their business in the City, and return by the same train every night. I think if the train that leaves Brighton at half-past eight or nine o'clock was to be discontinued, and another train to be run in its place at 11 o'clock, it would seriously inconvenience those gentlemen, and might be very fairly a subject of consideration.

2351. And the probability is, that the season tickets would no longer be taken?—Certainly; and not only that, but the people who had taken houses at Brighton, on the faith of the arrangement of the trains continuing the same, would find themselves seriously inconvenienced; perhaps, if obliged to continue their occupation, they might be compelled to give up their residences.

2352. You do not presume for a moment to compare the case of the great traffic of season tickets, between Brighton and the City, with the case of that unfortunate individual who was disappointed in coming to town?—I only mention that unfortunate individual to give an instance of what might happen, or to show how the thing might occur. He stated that he was only one of a number who would be prepared to lay their grievances before the Board.

2353. You referred to the shutting up or opening of stations; or the question put to you went to that. Do you conceive that it is absolutely necessary that a company having established a station, and finding that the fares from it do not pay the expenses of the ticket taker, that that company should be bound to keep open that station, because some single individual has built a house within two fields of it?—No, far from it. I do not at all consider that they should always be obliged to keep a station open because they once open a station; but, at the same time, they might arbitrarily charge the position of a station.

2354. Do not you think it would be a much fairer rule, in conducting the proceedings of a railway company, to do all that which was the best for its own interest, and the increase of its traffic, accommodating the public, rather than to endeavour to shield particular properties, in particular locations, from accidential suffering, such as that which you have pointed out?—You take away by granting amalgamation one great inducement to them to accommodate a district. If a district finds itself not accommodated at the present time, they may possibly accommodate themselves in some other way by a branch line to some other line; but if once these amalgamations are granted, to a very great extent that remedy will cease.

2355. *Chairman.*] I did not understand you to mean that the detailed management of railways was a matter which, in your opinion, required continual interference; but rather, when Parliament was granting very extensive powers, by sanctioning or permitting the amalgamation of gigantic companies, that it would be right to reserve certain authorities in case any particular portion of the public sustained inconvenience, to remedy that inconvenience by some mode of arbitration?—Just so.

2356. Did you intend to go beyond that?—Not at all; not to interfere with their arrangements directly, but only, when called on, to do so by arbitration, to remedy any evil that might be found to exist.

2357. Mr. *Laffan.*] To illustrate what I understood to be your meaning, of the power that amalgamation would give a railway company to affect the value of property, I will state an instance of the way in which your evidence struck me. Supposing a company having a line 50 miles in length leading from a manufacturing town into a coal district, to which coal district it afforded great facilities in communication with the manufacturing town, and supposing that company then became amalgamated with another line, reaching 50 miles further, into another coal district, from the tendency of your evidence you seem to apprehend that the amalgamated company would be obliged to withdraw the facilities they formerly afforded to the nearer coal district, to throw impediments in the way of that coal traffic, and to encourage, by very great facilities, the more distant coal field, which gave them a greater mileage for their coal traffic?—Yes, certainly.

2358. And in that way they would affect the value of the property of those two coal districts, raising the one and depressing the other?—Certainly; there can be no doubt of that.

2359. Now apply the same thing to two towns: supposing there is a line 50 miles in length, reaching from London to a favourite watering place, such as Brighton,

Brighton, and that the company has by that line a great pleasure traffic existing between the metropolis and this watering place; supposing this company became amalgamated with another company reaching 20 miles further, say to St. Leonards; do you apprehend that the company might tend to encourage the traffic between London and St. Leonards at the expense of the London and Brighton, and thereby affect the value of house property at Brighton? —Yes, quite so.

2360. Mr. *Bright.*] Would you recommend in all cases of coal or pleasure traffic, whatever be the length or whatever be the distance which a passenger or ton of coals is carried over the line, that the sum paid per mile must be the same; that is, whether a wholesale business or a retail business is done, the company is to charge the same price?—I have not stated so; all that I stated was that it should be left to arbitration, not that the company should be allowed to charge arbitrarily.

2361. *Chairman.*] Do you mean that, in conceding these very extensive powers to gigantic companies, it is necessary to reserve a power to protect those who would otherwise be wholly in the power of the companies?—Yes.

2362. Will you give an instance?—I cannot illustrate it better than by a complaint laid before the Board of a very simple nature, which we had not power to deal with. I cannot vouch for its truth, but it was a complaint that was brought before the Board. The case was this. the Butterley Iron Company, in Derbyshire, applied to the Midland Company to carry their coal at the same rate as they carried the coal of the Clay Cross Company. The Clay Cross Company had an agreement with the Midland Company to send 450,000 tons annually over 70 miles of their railway, at, if I remember rightly, one halfpenny per ton per mile. The Butterley Company offered to send the same quantity of coal over 56 miles of the railway, and the Midland Company refused to take them, unless they paid a halfpenny per ton for 70 miles, in consequence of this agreement with the Clay Cross Company. That was the complaint, as stated to the Board. Now, although it might be perfectly reasonable that the Butterley Company should pay more per mile for sending their coal 56 miles than the Clay Cross Company would pay per mile for sending it 70 miles, it is quite possible that the difference might be more than a reasonable charge. The Board have had other cases before them. There was the case brought of Mr. Fordham, who got his coal from the Newcastle district, over the Eastern Counties Line, on to a branch of the Great Northern, the Royston and Hitchin. The Great Northern Company, at that time, as stated by some of the witnesses before the Committee, were carrying coals at a halfpenny per ton per mile, in carriages found by themselves, from the Yorkshire district. The charge made to this coal-trader was their maximum charge for the conveyance of coal, being at the rate of three-farthings per ton per mile. They required him to find his own waggons, and they charged him a shilling per ton per day for wharfage at the station, and they made a further charge of 4 ½ *d.* per mile for the return conveyance of the empty coal carriages. Their explanation to the Board of Trade, or rather the Commissioners of Railways, I believe at that time, when the case was brought before them, was to this effect: "The company have expressed to Mr. Fordham and other parties their readiness to send coal carriages for any orders they may give to the coal-pits from which the regular trains of the company run, and to afford him every facility consistently with the regularity of the trains; but they cannot furnish plant out of the regular course of their trains; and if he insists upon the company executing his orders out of its regular course, under the statutory liability they have incurred as common carriers, the Board consider that he ought not to complain if he is asked to pay the statutory price of such extra accommodation." Now that would bring up the charge upon that coal to something like 2 *d.* per mile. It is not for me to say whether it is reasonable or unreasonable; but I think that would be a fair case to send to arbitration.

2363. Mr. *E. Denison.*] I do not understand, from your statement, where this gentleman wanted to carry the coal. You mentioned some branch?—He brought the coal on the Eastern Counties Railway.

2364. What coal was it?—Coal from the Newcastle district, which arrived at one of the ports served by the Eastern Counties Company; and then traversed the Eastern Counties Railway, and so got to a branch of the Great Northern, and then had to travel several miles on that branch. It was a very short distance.

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distance. I do not mean to say whether the charge was reasonable or unreasonable, but I think it was a fair case for arbitration.

2365. Mr. *Bright.*] We may presume that that was before the arrangement was made, which now exists between the Great Northern and the Eastern Counties Companies; was it during a time of civil war that such unreasonable conduct was exhibited?—I am not aware whether it was or not. This occurred in September 1851. I have here the instructions with regard to the charges on coals, which were sent by the company to the Board of Trade.

2366. *Chairman.*] What is the date?—The 6th of May 1851. From which it would appear that these charges do not only apply to those short distances, but to any other coals brought on any other railway.

2367. However easy it may be to dispose of individual cases of hardship, is it your decided opinion, that if the means of internal intercourse through the country, both for passengers and goods, were handed over to large amalgamated companies, justice to the public would require that there should be some means of securing a free transit both for passengers and goods, in cases where either a real or colourable excuse might be given by the company, when their interests led them to refuse it?—I think so, decidedly.

2368. Do you think it would be unsafe to hand the country over to the great companies, without receiving through the means, either of arbitration or other legal process, some such protection to the public?—Certainly.

2369. Do you mean that this should be expressed, not through the instrumentality of a Government Board, but that there should be the means of putting in motion such an arbitration, or legal process, where there was a complaint from a portion of the public, which appeared sufficient to justify measures of that kind?—Yes, provided that some means were secured of preventing cases being brought frivolously before the Board.

2370. That is, that there should be some security against proceedings of this kind being taken for the mere purpose of annoyance and vexation?—Yes.

2371. What is the nature of the security that you would recommend?—A deposit of money, which should be sufficient to cover the expenses of an arbitration, and which might probably be determined by the Board before they consented to appoint an arbitrator.

2372. Do you mean the arbitrator to have power over the costs of the arbitration?—Just so.

2373. On both sides?—Yes.

2374 Mr. *Bright.*] Do you know how many stations there are on that 600 miles of the London and North Western you have spoken of?—The average of stations throughout the whole kingdom is about one to every three miles, so that for the 600 miles I should think there would be about 200 stations. I do not know absolutely the number.

2375. According to the list of grievances we hear of, do you think it unlikely that you would have a complaint of grievance at every station?—I think it not very likely; not at every station, if there were a proper security against frivolous complaints.

2376. What sort of condition would the North Western Railway be in, if they had from 100 to 200 arbitrations going on over their 600 miles on matters of really very minor importance, but such as might very properly, according to your views, be brought before the Board?—I do not imagine that anything like that number of arbitrations could be going on at one time. I believe the tendency would be, if there was a practice of that sort, to smooth difficulties, and very few arbitrations would take place under it.

2377. *Chairman.*] You do not contemplate that an amount of vexatious interference with the proceedings of the companies would be the result?—Not at all.

2378. But you think it should be within the power of the law to protect the public against oppression if, under any circumstances, the power given to great companies were abused?—Yes.

2379. Do you think that justice and prudence require that some such precautions should be taken?—Yes.

2380. Mr. *Henley.*] You have stated that in ten particulars which you have enumerated, you think the powers of arbitration should be reserved in the manner you have described; are there any others besides those ten; had you got to the

the end of the list when you were interrupted by cross-examination?—I believe I had completed the list.

2381. What is your opinion, taking such a number of lines as you have stated, with regard to the principle upon which the fares of an amalgamated company should be settled, supposing those fares now differ in various Acts of Parliament, which it would be proposed should be amalgamated?—That is a question which I have not at all considered; I should think the Committee on the Bill would have to go into that question, and consider it very thoroughly.

2382. These amalgamations are on a very large scale, and accordingly you would give to the company great advantages in economy of management and security from future competition, and therefore it would not be unreasonable that the public should have some corresponding advantage in the shape of reduction of fares; have you considered at all the principle on which the whole amalgamation was to be formed, with regard to maximum fares allowed to be charged under it, as to what is now contained in the several Bills, or ought it to be upon some other; and, if any other, what data?—That is a very difficult question to answer; it is difficult to say exactly upon what principles the present rates of charge are fixed in existing Acts of Parliament, therefore it is not easy to say how any future rate should be made with reference to those existing rates; but I should think it would be for the Committee to consider whether the rates that were fixed by the amalgamated Bill were such as might be reasonably expected to give the company a fair return on the capital they have expended; beyond that, I do not know what general principle you can strike out.

2383. Different Committees might come to very different opinions as to what would be a reasonable return?—Quite so.

2384. In your judgment, would it be right that any general rule should be laid down upon that subject by the several Committees?—I am not aware of any general rule that could be laid down to guide Committees, further than the general principle which I have just stated.

2385. One man might think 4 per cent. a fair return for the capital, another 10 per cent., and another 6 per cent; have you formed any opinion, in your own mind, as to what would be a reasonable return for capital proposed to be invested, and the security proposed to be given to it by amalgamation?—That would depend very much, I should imagine, on the existing condition of the capital concerned, whether it is paying a high or low rate of interest. What would be a reasonable return on a good speculation would be unreasonable on a bad speculation, therefore I should think it would have to be determined with reference to each particular undertaking.

2386. One element would be, what competition they might be guarded against?—Certainly that might be an element; but it is a subject which I have not considered in detail, and therefore I am hardly prepared to enter into it.

2387. Is it not a subject on which the public interest is most deeply interested, if there is to be a pivot dividend fixed?—Certainly.

2388. You have stated, with regard to the communication on the west coast of Scotland, that this amalgamation would make a complete monopoly, as far as that was concerned?—Yes; it would give the London and North Western the entire control of the traffic from London to Edinburgh and Glasgow by the west coast, and from the intermediate districts.

2389. Is there not at present a competition existing by means of the Great Northern from the eastward?—One can hardly call that competition; already the combination has taken place on that side.

2390. Have they combined?—They have combined; at least it has been so stated before this Committee.

2391. Such combination taking place to a great extent with the London and North Western, would give them power to impose terms on the eastern communication, would it not?—I do not know that it would, with regard to the traffic to Scotland; although, no doubt, it might give them powers with regard to the traffic that is in immediate connexion with the Midland Railway.

2392. What proportion of the whole 1,200 miles you have spoken of does the direct line from London to Glasgow consist of?—It may consist of about 410.

2393. Is not that a small amount of mileage with reference to the whole amalgamation?—About one-third, but the whole of that mileage is not included in the amalgamation; the Caledonian and the Lancaster and Carlisle are not included

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included in the 1,200 miles, and they together amount to from 130 to 140 miles.

2394. Then it would be less than 400 miles?—Yes.

2395. Charging high rates on the other part of the amalgamation, they might afford to charge very low rates on this part, unless the competing parties chose to come in?—Just so.

2396. In that way they would have a handle to keep them down?—Just so.

2397. Feeding their dividend with the high rates they charged on all the other lines of amalgamation?—Just so.

2398. In that way a large amalgamation would have the power indirectly of preventing even such an amount of competition as now exists?—Yes; if they were inclined to push things to the utmost, no doubt, from what has been described as to competition, ruinous prices would take place.

2399. Mr. *Deedes.*] Has any, and if any, what instance occurred to your knowledge of an arbitrary change of station, after it had been proved to be remunerative in value, so as to effect the value of particular property?—I am not aware of any instance of an arbitrary change of station; no case to my knowledge has been brought before the Board of Trade. I only stated it as being a thing which might possibly occur.

2400. Mr. *M. Milnes.*] Are you aware that stations which have been established as first-class stations, and then not found sufficiently remunerative for that purpose, have been therefore deprived of that advantage?—I have heard of such a thing, but no case of that sort has ever come specially under my notice.

2401. Mr. *Laffan.*] You stated in reply to a question, that it was consistent with your experience that combination being possible between railways it always resulted, and competition did not therefore take place. May there not remain a very considerable degree of competition even after the combination has been arranged; for instance, the Midland, and the London and North Western, and the Great Northern have arranged to divide the traffic between York and London; but still they compete as to which shall get the greater proportion of passengers, each striving by facilities to throw the greater proportion of traffic on its own line, in order at the end of the present arrangement to be able to make better terms. Therefore the best part of competition remains, namely, each line endeavouring to serve the public better; and although there is no competition as to price, is there not competition in the means of accommodation?—There may be to a certain extent competition with a view to some change which may take place at the termination of the period during which the present arrangement is to last; but I do think that that, although not a perfect combination, is to a very great extent a combination.

2402. But it does not put an end to competition?—Almost; there may be some slight competition, but the competition is for something so very small, that I doubt very much whether it is a very active competition.

2403. Do you think the arrangement which has been come to between the London and North Western, the Midland, the East Lancashire, and the two canals between Manchester and Liverpool, has in any way diminished the desire of each of those companies to attract upon its own line of communication the greatest amount of traffic?—I am not aware of that arrangement having been yet come to.

2404. Mr. *E. Denison.*] In the case of an arrangement between companies, such as we have heard of, between the Great Western and the London and North Western Companies, where, whatever number of passengers they carry, they have to pay over a proportion to the other company, would it answer the purpose of the other company to pay, at all events, a certain portion to carry all the passengers?—It would not answer their present purpose; but looking forward to the possible contingency of a re-arrangement at the end of the period, it is possible that some slight degree of competition may occur.

2405. But would it be likely for several years to be worth their while to be incurring a certain loss for a possible prospective advantage in a future arrangement?—I should think not; the other cause of competition would be more likely to exist just prior to the period of re-arrangement.

2406. *Chairman.*] As their experience improves, their tendency to compete with one another will diminish?—Yes.

2407. Referring to the question of arbitration, I understand you to mean that a *primâ*

a *primâ facie* case for arbitration should be established, and a deposit for costs made, before the arbitrator was appointed?—Just so.

2408. Mr. *Bright.*] What do you think would be the expense of an arbitration of the least of those cases which you would consider important enough to be arbitrated on?—Something very small indeed; I should think sending a proper person down, such as an inspecting officer of the Board of Trade, if it was thought fit to take a man of that sort, that a very small case might be got through in a day, and an award drawn out in another day; and probably the whole expense would not be more than 5 *l.* or 10 *l.*, or perhaps less.

2409. Are the inspecting officers to be engineers?—I say persons such as inspecting officers of the Board of Trade.

2410. Is it intended to charge a professional remuneration, or are these inspecting officers to be persons having salaries in connection with the Board of Trade, and therefore their time and services are not to be charged for?—I think the time and services of the persons should be charged for as part of the cost of arbitration, but I think, at the same time, the Board of Trade should exercise a due discretion as to the persons they appointed; and if it was an arbitration of a great case they would select a person of high standing, whose remuneration might be proportionately high to what the remuneration would be of a person whom they would select in a much smaller case; I think that might be left to the discretion of the Board of Trade, so that there should be no extravagant charges made.

2411. Do you suppose that the security which you would require to take in any case would be less than 50 *l.*, or even less than 100 *l.*?—I think it quite possible there may be many cases under 100 *l.*, and I think an arbitration of that sort would tend very much to the comfort of the companies after it had taken place, where they have already endeavoured to accommodate a district, and people are dissatisfied.

2412. *Chairman.*] Do you think it would be possible to appoint arbitrations in cases that required them, without running the risk of a perpetual harassment and vexation of the companies by impertinent interference?—Quite so.

2413. A question has been brought before the Committee with regard to companies being authorised to make new lines, and to raise capital for making new lines, there being no sufficient power of compelling them to make those lines after they have obtained possession of the capital and the territory; will you now address yourself to that subject?—From an examination of a return which is just completed, I find that at the end of 1851, out of a number of Acts of Parliament by which 2,904 miles of railway were authorised to be constructed, the compulsory powers for the purchase of land had been allowed to expire, without being exercised, over a length of 2,027 miles. To those 2,027 miles, 38,969,363 *l.* had been appropriated by Parliament as the cost of 1,554 miles only; and the construction of the remaining 472 miles had been provided for with a sort of general power to expend the money for that or any other purpose. The companies still retain the power of raising those 38,000,000 *l.* without the possibility of constructing the authorised works to which it was intended to be applied without coming again before Parliament.

2414. Mr. *Bright.*] Are there any cases in which the funds have been raised, and the line not made?—I have heard of such cases of funds being raised and expended without the line being made.

2415. Can you give a case, or is it some trifling matter in which the Act of Parliament allowed a deviation from the original purpose for which the funds were raised?—The case is stated in a document which has been laid on the table of the House, and therefore I presume there is nothing improper in my calling attention to it. That is the case of the Eastern Union Railway. They received a power to raise a certain sum of money, which was to be applied specially to the construction of a branch to Harwich. The whole of that money was raised and expended for other purposes; and, I believe, at the time it was so expended, not an acre of land was purchased, or a spade put in the ground towards making that Harwich Branch.

2416. Has that been called in question at all?—It was reported by an auditor, appointed by the Board of Trade, under a special power in the Acts of the Eastern Union Railway Company.

2417. *Chairman.*] Without reverting to cases of any questionable character, can you give instances where it has been proposed to make new works out of

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unappropriated capital, authorised by Parliament to be raised, in Bills sanctioning other works of the same kind?—Yes, without imputing improper motives at all to railway companies, it will be sufficient to state that the London and North Western have at this present moment before Parliament, sundry Bills under which a large expenditure will take place, and that they take no powers, I believe, under those Bills for raising money; and therefore the raising of the money under one Act, and appropriating it to another purpose, is virtually sanctioned by Parliament, supposing that these Bills receive the sanction of Parliament.

2418. The result then is, that the companies obtain what is called possession of the territory, and they may also obtain possession of the funds, which they can apply to other purposes for the behoof of their shareholders, without its being at all necessary that they should convert the land into a railroad, or use the money for the purpose of making that particular railroad?—Quite so.

2419. Adverting now to the subject of running powers, and the power of one company which has no amicable understanding with its neighbour of running its trains over the line of that neighbouring company, is it your opinion that that is a system which, on the ground of public safety, should either be encouraged or discouraged, or subjected to limitation?—I think, with regard to running powers, it is decidedly objectionable on the ground of safety to trains, and to persons travelling on the railway, that one company should be empowered to run trains compulsorily, without the consent of the owning company, over the lines of that owning company.

2420. Is it your experience that danger results from such a power?—There have been accidents which have arisen from that cause. In saying this, I do not mean to say that a method or system might not be adopted by which a company might send its own trains over the lines of another company with safety; but I think the working out of that system would be dependent on the servants of both companies, and that where there was a strong feeling of animosity between those parties, there would be very great risk that the provisions which had been imposed upon both would not be maintained, and therefore that danger might accrue to the public.

2421. In short, the servants of the line on which the foreign train was running, would be to a certain extent serving two masters at the same time; namely, the owners of the line and the owners of the train?—Just so.

2422. And then again at stations, the public might be subjected to very great inconvenience, if not danger, by having two companies wrangling for traffic in one and the same station; and, where there was a strong feeling, the public might find themselves sacrificed, and sent by wrong trains instead of the right ones?—Yes.

2423. Yet if you refused to allow trains of one company to pass over the line of another company, do you not shut out the passengers travelling by those trains from the facility of taking the shortest route, paying the least mileage, and obtaining the greatest convenience?—Certainly you may do so.

2424. Is it not therefore requisite that some provision should be made for the purpose of securing to the passengers, and to what has been called the foreign railway, the utmost facility of getting by the nearest route and the shortest mileage from one place to the other?—Yes; that is one of the cases to which I before alluded, as possibly requiring arbitration, both with respect to passengers and goods, and perhaps even it has more importance with reference to goods than it has with reference to passengers.

2425. If these lines were amalgamated on this great scale, would it not be necessary to make provision by which rural districts desiring to make branch railways into the great lines of communication should have the utmost facility for doing so at the point of junction?—Certainly.

2426. Is it not the case, that a branch line may be a very remunerative line, if you count into the receipts the additional mileage received over the trunk line, but be totally unremunerative if you limit the account to the mileage received over the branch itself?—It is quite possible.

2427. Would it not be requisite, therefore, to consider that circumstance in making any arrangement by which these great companies might obtain possession of so vast a power?—Quite so; the subject requires great consideration in giving them these great powers.

2428. From what you have just said, I understand that you would not encourage

rage that mode of giving security by giving them running powers over the trunk line?—Certainly not.

2429. A multitude of small branches coming into a trunk line, and each of them possessing running powers, and using them, would not, in your judgment, be consistent with public safety?—On the contrary, productive of much risk.

2430. Suppose that, in a populous part of the country, two lines actively competing with one another were to use for any great extent of mileage the same lines of rails, do you think it would be easy or possible to make and enforce regulations by which public safety could be efficiently consulted?—I think it is possible to make regulations by which public safety should be secured, but almost impossible to enforce those regulations, or to obtain a strict enforcement of them; it is a subject which we have been called upon to consider at the Board of Trade, and a decision took place upon a case of this nature.

2431. State the case?—The case was that of the Stour Valley Railway. The Stour Valley Railway is now in the hands of the London and North Western Company, and extends from Birmingham to Wolverhampton. When it was about to be opened, the company gave, in the usual way, notice of their intention to open it. An inspector inspected the railway, and reported that in his opinion the works of the railway were such as would allow of its being opened with safety to the public. The company accordingly advertised their intention to open the railway, and upon doing so, the Shrewsbury and Birmingham Company gave them notice that they should run trains over the railway likewise; whereupon the North Western Company proclaimed their intention of not opening the railway. Both companies applied to the Board of Trade, as they both apprehended danger from that state of things. Whereupon I was sent down to inspect the railway again; and I stated my opinion to the Board, with my reasons for so stating, that the establishment of the railway was not sufficient to secure safety to the trains in the condition of things that was then existing. It was considered a matter of doubt, whether or not the Board had the power to postpone the opening; whether, strictly speaking, the regulations of the company could be included under the head of establishment. But the North Western Company, upon receiving the report, pledged themselves to the Board that they would not open without the sanction of the Board; and, accordingly, we postponed the railway from month to month, as if those regulations fell legitimately within our power. The ground of objection was, that a railway company, although it has the power to make regulations which shall be binding on its own servants, has not the power of making regulations which shall be binding on the servants of other companies, unless those regulations are first approved of by the Board of Trade. The North Western Company accordingly submitted a code of regulations to the Board of Trade, and after some considerable discussion and consideration of those rules, a code was finally approved, and the Board gave their sanction to the line being opened. Parliament having already given the company a right, it was considered by the Board that they had not any power to interfere with it. They had to see that all possible precautions were taken to secure the safety of the public. The line has been opened since, and worked by the London and North Western only, the Shrewsbury and Birmingham Company not having been able to work it for some other reasons, connected, I believe, with the accommodation of stations, the payment of tolls, and so forth. I do not pretend to go into the differences between the companies; I merely state the facts as they have appeared before the Board of Trade.

2432. You think the tendency to accident, affecting the public safety, would be increased by the sanctioning of running powers?—Certainly.

2433. Mr. *Bright.*] Do you mean by that, that power was given to one company to run over the line of another company, there being no arrangement between the two companies to ensure the public safety?—Just so. In such a case there would be increased danger.

2434. *Chairman.*] The technical meaning of the phrase "running clauses" does not mean an amicable arrangement between two companies, but means a power on the part of one company to run over the line of the other, whether that other liked it or not?—It implies a hostile arrangement; where they are good friends they would not come to Parliament for those powers. I need only cite one accident, which may elucidate the thing. This is in a Blue Book before the House. It is the case of an accident which occurred on the 6th October 1851, upon the Manchester, Sheffield and Lincolnshire Railway, at

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some sidings situated between Kiveton Park and Woodhouse stations: "A coal train, belonging to the Manchester, Sheffield and Lincolnshire Company, returning from New Holland to Sheffield, went past the Kiveton Park station, at 4. 35. P.M., and on reaching the coal sidings, which are three miles and a half from Kiveton Park, proceeded to go through a number of shunting movements to and fro, for the purpose of leaving empty waggons and taking some laden ones out of different sidings. The distant semaphore was set to danger the moment the coal train stopped. The whole of the waggons had been shifted, and the driver was about once more to make up his train, when an excursion train, belonging to the Great Northern Railway Company, who have running powers over the line from Retford to Sheffield, came down the incline from Kiveton Park; and, approaching with great caution, came to a stand within a few yards of the break van of the train in front. The driver of the coal train, having nearly finished his siding work, was about to shunt his whole train over to the other line, to allow the passenger train to proceed, when a goods train, belonging to the Manchester, Sheffield, and Lincolnshire Company, coming from Lincoln, ran past the distant semaphore that had warned the Great Northern driver; and, being unable then to stop on seeing the excursion train, came into collision with the last carriage, which stood 490 yards within the danger signal. This goods train, closely followed by the excursion train, had reached Kiveton Park at 4. 45. P.M., 10 minutes after the coal train had passed. The goods train was shunted, and the excursion train passed Kiveton Park at 4. 50. P.M., and at 4. 55. P.M. the goods train crossed back to its own line, and followed the excursion train. The driver saw the semaphore signal set to danger, and I cannot describe his proceedings thereon better than by quoting his own words. It is to be remembered that he was conducting a train of 16 laden waggons down a descent of 1 in 115. 'I saw the danger signal about 500 yards off. I put on my tender break, and whistled to get the people in front to clear the way, by letting them know we were coming. Seeing the speed not diminish much, I signalled the guard to put on his break; and, on seeing the other train in front, I reversed the engine; but we ran into it.' The shock was sufficiently violent to damage two carriages of the Great Northern train, and injure several of the passengers. It is evident that this accident was brought about mainly by the carelessness and disobedience of all orders and instructions on the part of the driver of the Manchester, Sheffield, and Lincolnshire goods train. That train ran 1,140 yards beyond the point at which the semaphore signal set to danger became distinctly visible, and 490 yards beyond the signal itself at which the driver was bound by his instructions to stop. A man who thus wilfully disregards signals should not be entrusted with the safety of a train. The accident may also be considered to be in some measure due to the great irregularity in the times at which the coal trains on the Manchester, Sheffield, and Lincolnshire Railway may be expected at the different stations and sidings. In the present instance, the coal train was an hour before its time; and the driver of the Lincoln goods train, not expecting to meet it at that part of the line, may have thought that the way in front was only blocked up by a single waggon, which might easily be moved away. The officers of the Manchester, Sheffield, and Lincolnshire Railway have represented to me that the guard of the Great Northern train neglected his duty, in not going back to protect his train when brought to a stand upon the main line. After a full consideration of the subject, I am of opinion that the guard was in no way to blame: his train was already protected by a semaphore signal set to danger, which could be seen at a distance of 1,140 yards from his last carriage, and which had been erected expressly to give timely notice of any obstruction at the sidings; and, however desirable it might have proved to give additional warning in the present instance, the guard was not to blame for trusting to the regular signal, more especially as his train was about to move on as soon as the coal train had shunted, to leave the road clear. In conclusion, I beg to call the attention of the Commissioners to the want of friendly understanding between the two companies, whose trains run over the same line between Retford and Sheffield, and the great irregularity in the times kept by those trains. The coal train concerned in the present accident passes Kiveton Park at uncertain hours, ranging from 3 P.M. to 8. 30. P.M.; the goods train from Lincoln, in the present instance, was a quarter of an hour before its time; and the excursion train from the Great Northern line passes Kiveton Park sometimes at 4, sometimes at 4. 30., sometimes at 5 P.M. With respect to these excursion

excursion trains, the general manager of the Manchester, Sheffield, and Lincolnshire Railway informs me, that the Great Northern Company run them without the least notice to him, and without even sending him a time bill; and that sometimes his people only become aware of the intention of the Great Northern Company in that respect, by seeing advertisements posted up to the public at Sheffield. The station master at Kiveton Park also informs me, that when the Great Northern Company first begun, about a fortnight before the accident, to run an afternoon excursion train over the Manchester, Sheffield, and Lincolnshire line from Retford to Sheffield, he (the station master) had no notice whatever of their intention, and that it was only from seeing it pass on several successive days that he concluded it was to be a regular train; and that on his asking the guard, one day, whether he was right in supposing so, the guard replied that he might be for anything he knew. I need not point out to the Commissioners the danger arising from this loose way of conducting traffic."

2435. Mr. *Denison.*] After that accident, and the report consequently made upon it, was the running of the Great Northern trains upon the Manchester, Sheffield, and Lincolnshire line continued, without the concurrence of that line?—I have no knowledge beyond that; the action of the Commissioners of Railways on receiving that report was, to send a copy of it to each of the companies, to call their attention to the circumstance, and to express their "trust that the directors will lose no time in instituting an investigation into the method of conducting the traffic of the two companies, where their lines meet, or where they use the same lines in common; and that they will endeavour in a friendly spirit, in conjunction with the Manchester, Sheffield, and Lincolnshire Railway Company, to adopt such arrangements as will effectually put an end to the loose system in which the traffic is conducted at present, and to ensure that the trains shall be worked with as much security as upon well regulated lines, over which the trains of only one Company are in the habit of passing."

2436. Mr. *Bright.*] What was the result of that report?—The only official result that I am aware of is, that both companies acknowledged the receipt of the letter.

2437. Are you aware whether any arrangement was come to afterwards?—No, I am not aware how the traffic has been conducted since.

2438. *Chairman.*] Is it not frequently a moot point, when an accident occurs, whether it was owing more to the state of the line than to the state of the carriages?—Frequently it may be.

2439. Of course if an accident so occurred, it would be the object of the company who owned the line, to prove that the accident had been occasioned by the state of the train; and on the part of the company who owned the train to prove it had been occasioned by the state of the line?—Yes.

2440. A person bringing an action for damages against the two companies, might find that the first jury believed the one, and the second jury believed the other, and get damages from neither?—It is quite possible; not being in the legal profession, I am not so well able to answer that.

2441. In order to make running clauses effectual, so as to secure the utmost possible freedom of transit from one part of the country to the other, it would be necessary that the foreign train should have the power to take up local traffic at the stations of the line upon which it was running, otherwise it would not compete under circumstances of equal advantage?—Certainly not, it could not compete under circumstances of equal advantage.

2442. Unless, therefore, you compelled the line on which foreign trains run to permit the use of their stations and station-masters to the foreign company, for the purpose of giving local traffic to them, is it probable that, competition being unequal, the running clauses would not long continue effectual?—That would generally be the case where the distances were long.

2443. It would, therefore, appear to be a more effectual protection to the public that arrangements should be made at the points of junction for conveying the traffic of the foreign line with fairness and facility, rather than that running clauses should be left to be the remedy?—I think so decidedly; and that generally giving running clauses would lead to agreement between the companies, and that trains would cease to be run by both companies.

2444. Do you concur in the opinion which has been stated to the Committee, that running clauses are generally rather a matter of subsequent pecuniary arrangement between the companies, than a system likely to be extensively acted

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on for the actual conveyance of traffic?—Unless the running clauses are accompanied by a power to use the stations, and the accommodation upon the line to which they apply, they cannot be used with anything like the same degree of facility by the companies; the power cannot be exercised by the company to whom the running powers are given with any degree of advantage. They would be in a position that they might book passengers, and carry them to stations, and find that they were not able to book passengers for their return trade, and generally, I believe, it would lead to arrangements between the parties.

2445. Now a plan has been suggested by some of the witnesses, by which, if Parliament should think it expedient to sanction amalgamation, certain securities should be given to the public; were you present when that plan was laid before the Committee by some of the witnesses?—Yes.

2446. Speaking of it generally, are you of opinion that it would be feasible to carry that plan into effect?—By that plan, if I understand rightly, you mean that the amalgamated companies should have their capital fixed, that a maximum or pivot dividend should be likewise fixed, and that they should be subject to an audit of their accounts, with a periodical revision of tolls; and, as a part of that arrangement, that all questions of difference between other companies, or the public and the amalgamated company with reference to accommodation, or to fares and rates of charge, should be referred to arbitration; and likewise there should be a power of making new lines and working them, and also for other lines, if they thought proper, to come into the amalgamation. I think those are generally the terms. I believe that such a system might possibly be carried into effect.

2447. Mr. *Henley*.] You used the word "tolls;" did you intend to include in that "fares"?—Yes, tolls, fares, and charges of every description.

2448. Mr. *Bright*.] Do you include in that scheme the particular accommodation, which some persons who have been before this Committee have advocated, that Parliament should grant to these amalgamated companies a certain extensive territory, absolutely free from the construction of other lines not under their management?—No; I do not understand it to mean that; they must take their chance of new lines being started in competition to them for particular purposes in proximity to their own lines. Taking their chance of a Parliamentary decision upon the subject, if it were shown before Parliament that a second line, a duplicate line, such as the line from Manchester to London, might be necessary, and there was traffic sufficient for it and for the other line, I have not heard that any suggestion has been made for excluding from the consideration of Parliament such a line. Of course the weight and influence of the amalgamated company would be brought to bear against it, which would be very great.

2449. How long have you had experience in connexion with railways, and the Board of Trade, and Parliamentary proceedings?—About six years.

2450. Do you happen to know whether the decisions of Parliament upon this subject are exceedingly capricious, and hitherto have been founded on no recognised or understandable principle?—They generally have that reputation.

2451. You know that the construction of a new line would be referred to a Committee of five gentlemen, who might not be the wisest five who could be chosen out of the House?—Quite so; I am aware of that.

2452. Did you hear the evidence of Mr. Laing?—Yes.

2453. Mr. Laing, and one or two other witnesses, were in favour of putting certain stringent control into the hands of some Government body over the railways; but he thought the railway companies required, as a condition, absolutely, that if they surrendered much in that direction, they should have a compensation by a security from further competition for the future; now, what is your opinion with regard to the feelings of the general directors of railway enterprise in this country; would they consent willingly to such surrender as you recommend, if such security against competition were not granted to them?—I do not see myself how such a security can possibly be given; nor can I speak confidently as to what railway directors may be inclined to surrender.

2454. But in a matter of this kind, where 280 millions of property are concerned, and where every town and village must have some one connected with this property, does it not appear to you almost, if not quite, essential, that any general legislation hereafter to be adopted should meet with the views not of Parliament only, or a Committee, or a Board of Trade, but generally with the views

views of the most intelligent and moderate men connected with railway enterprise?—I think so.

2455. Would you consider that legislation that was agreed to in the House of Commons, and that had not met with the general consent, could be carried out by the Board of Trade with which you are connected?—It depends on what the powers given to the Board were.

2456. If the powers were of such a nature, good, bad, or indifferent, as to be generally viewed with suspicion, or disliked by the body of railway directors, does it appear to you likely that they could be carried out with advantage to the country, or with success at all?—It depends entirely on what those powers were. I should say, generally speaking, it would be far better to get the consent of railway directors, if you can, to any powers given to the Board of Trade; but, of course, if Parliament thinks fit to throw powers on the Board of Trade, they must give them adequate means for enforcing compliance with their orders.

2457. If you are to have complaints from hundreds of persons in the course of the year, and are to correspond with some dozens or scores of railway boards, and to appoint arbitrators, and to call on them to appoint arbitrators, and the arbitrators to appoint umpires, and then certain matters may be referred to the Board of Trade for their final decision, do you conceive it possible that a system of so much control and intermeddling could be worked; and unless the regulations established were made with the general consent of the railway directors, would it not fall through and break down?—I think it would be far better, and certainly advantageous to all parties, that the consent of railway directors should be given to any system that might be adopted. I am not prepared to state that the Board of Trade, or any other public Board, could not carry into effect any powers that Parliament might think fit to place in it.

2458. Mr. *E. Denison.*] Do you propose that if such an arrangement as has been spoken of should be carried into effect, that the question of new lines all over the country is to be left exactly where it stands at present, to the mere chance of a Parliamentary Committee?—I think if Parliament were to pass a Standing Order, or adopt some resolution by which any line, or any company desiring to make a new line, should be compelled to make that new line, that a vast number of the contests that now take place before Parliament would cease, or not take place. I mentioned in the course of my evidence, that the compulsory powers for the purchase of 2,000 miles of line had expired, the construction of which had been authorised by Parliament. It is impossible to state the extent of the Parliamentary contests that have taken place with reference to these 2,000 miles; but I have no doubt in my own mind, if there had been some provisions in these cases which had compelled the completion of these lines, in the event of their passing, many of these contests would have ceased, and the Bills would have been withdrawn.

2459. Do you think that the mere compulsion of having to execute a line when it had got powers, would be sufficient to give security to existing railways which are asked to make certain concessions for something that they are going to have in return; now if railway companies are to have a board of stringent control, and to have a maximum fixed, and public audit, and the starting of their trains regulated by the Board of Trade, and so on, it must be a matter of arrangement between them; and what would you have to offer them in return, if you did not offer them some greater security in their lines than they have at present against possible competition?—These restrictions are only contemplated, I presume, in cases of amalgamated companies. Amalgamation itself is a concession of a great deal to the companies; and that is to be weighed in the balance. I do not imagine that a company not coming for fresh powers to Parliament, and fresh powers which are of vital importance to it, would concede anything at all; but the amalgamation itself is a very great concession. Then I think a prohibition of compulsory running clauses is another great point secured to them, which would save them a considerable amount of anxiety, and a great deal of Parliamentary contest. I think also that the compelling companies to make lines for which they seek powers from Parliament, would also tend very much to secure them, and those three things appear to me quite within the limits of what is reasonable.

2460. You have said at the commencement of your evidence that companies now possess the power of making these arrangements between themselves, which are tantamount to amalgamations?—I hardly said that; I said that companies have

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have it in their power, where competition exists, of combining, so as to get rid of the inconvenience to them of that competition; but I do not look upon that combination in any degree as tantamout to an amalgamation; that combination is generally carried into effect by an agreement which lasts for a certain period, and at the end of that period it is possible that a combination may take place with an adversary rather than with a friend.

2461. You stated that these combinations take place not only between railway companies, but also between railways and canals, and you gave as your instance the communication that exists between Edinburgh and Glasgow, where both railways and canals have combined to make regulations suitable for their own purposes?—Yes.

2462. Now, if they should find that it answered their purpose, what should prevent those combinations continuing as against the public, the public having no power of interfering or controlling?—There is nothing to prevent it; they may go on; and, after a certain period, to use an expression which has been already used before the Committee, the game will be played out.

2463. Then, if you have the prospect that companies can combine in this way, and that if they ask legal powers of combining, you propose to extort from them more than they are disposed to give, would it not be likely that they would contrive among themselves these arrangements, and carry them still further than they have been carried at present?—I think that, looking forward to the period when their differences will all be settled, it is possible they might be indisposed to concede very much; but in the meanwhile a very great expenditure may take place in contests, and in the making of other lines, and they would be inclined, I should think, at the present time, to make considerable concessions, in order to carry their views into effect.

2464. It has been proposed by the parties who have given evidence here, that arrangements of the nature of which we have been speaking would be useful to companies, and serviceable to the public also; has that been the case?—Yes.

2465. It would only be on the principle of its being useful to both parties, and that public convenience would be promoted; that such a system could expect to receive public support?—Just so.

2466. You have been asked whether such a system could receive public support; if it be found advantageous to the public, and also to the railway companies, why should not public confidence go along with it?—I do not see any reason why public confidence should not go along with such a system properly devised; on the contrary, I think public confidence would go with it.

2467. *Chairman.*] Would not an amalgamation so extensive as that of which we have spoken, constitute in itself a power which would have a great tendency to prevent new lines being started successfully in competition with it?—As I stated in the early part of my evidence, I thought the amalgamation of large companies would give them great Parliamentary influence.

2468. Did you hear the evidence of Mr. Beckett Denison on a former occasion?—Yes.

2469. Do you remember his giving evidence to the effect, that if the London and North Western Railway Company and the Midland Railway Company were to amalgamate by the sanction of Parliament, that it would be impossible for the Great Northern Company to hold out against them?—Yes.

2470. Would not the effect of such an arrangement as the witnesses have mentioned, that the public were to share in the profits of the Company by the tariff being revised as the profits increased, be a strong reason why the support of Parliament would be given to an amalgamated company, if it were properly conducted?—I should think so, decidedly.

2471. In short, the idea of parcelling out the country into districts, and pledging the faith of Parliament that no new lines should be made within those districts, did not enter into your contemplation when you gave your former answers?—No, not at all.

2472. Mr. *Henley.*] With regard to the question of general amalgamation, about which you have been asked, I understood you distinctly, in a former part of your evidence, to say, that you think it would not be safe to the public unless all those conditions which you appended to it have means provided for being carried out?—I think there would be considerable risk, unless there were some means of controlling the companies in all those cases.

2473. And you answered then, that you thought such amalgamations possible,

sible, and your answer since, that you think they might be a good thing for the railways and the public, was always subject to those conditions being imposed on them?—Quite so. In fact, those conditions are nothing more than what has been proposed by other witnesses, as points as to which an arbitration might reasonably take place.

2474. With regard to the audit, you have heard evidence given here on the subject of audit; are you of opinion that a Government audit would be sufficient to ascertain, aye or no, the economic management of the railway with reference to the pivot dividend?—I should think that a Government audit might be devised which might be perfectly efficient for that purpose.

2475. In carrying on that Government audit, should you propose to give the auditors the power to decide what items should be charged to revenue, or do you propose that some items might be carried during the period of revision to capital?—I would not give the auditor the absolute power of deciding, but I would give him instructions to report in such cases. The company might reasonably object to his report, and then it might be a reasonable case for arbitration to decide whether or not the auditor's objection was well founded.

2476. You would leave it to the arbitration to decide whether particular items ought to be charged to the expenses of the year, or whether they ought to be thrown over a number of years; and if any, how many?—Just so; or whether an item should be transferred from revenue to capital account.

2477. You would contemplate that the capital account might be increased within the limits of periodical revision?—It is quite possible.

2478. That would enter into your contemplation?—Yes.

2479. Mr. *Bright.*] What would you do with regard to this arbitration; would you make it imperative, first of all, that the company should abide by the decision of the arbitrator, as the Board of Trade would, whatever it should be?

Certainly, making the arbitration final. I mean, supposing the auditor reported——

2480. I am not speaking of auditors; I mean with regard to all the questions of complaint and dispute which you have mentioned?—I think, with regard to complaints of that nature, that the arbitration might be re-opened from time to time upon the authority of the Board of Trade, that is, upon sufficient cause being shown to the Board of Trade for the re-opening of the arbitration; but with regard to the question of audit, I imagine that that ought to be final, because it would not do to keep the company's accounts perpetually subject to be re-opened.

2481. Mr. *Henley.*] Do you think it a question which might be easily decided, with any tolerable degree of uniformity, what items ought to be carried to revenue, and what to capital?—I should think so. I am not very conversant with the accounts of railway companies. I have heard a good deal of them, but I should think there ought to be no difficulty. Cases of difficulty might arise, but I do not imagine that they could not be solved.

2482. Do you happen to know whether, in point of fact, parties most conversant with such matters do or do not differ very much in opinion as to whether particular items of expense ought in fairness to be carried to the current expenses of the year, or carried to capital over a series of years?—There is a considerable difference of opinion upon those points.

2483. Mr. *Strutt.*] When you spoke of audit, and that the companies might be allowed to increase their capital, did you mean that they should be allowed to increase their capital without authority from Parliament?—I am not prepared to state whether they should be allowed to increase their capital without the authority of Parliament, or whether a provisional order, to be afterwards sanctioned by Parliament, might not be sufficient.

2484. *Chairman.*] But the disputes which you referred to, as arising with respect to whether a particular item should be charged to capital or charged to revenue, have been disputes arising, not on a closed capital account, but upon an open capital account?—Yes.

2485. If the beginning of the arrangement was, that the capital account was closed, there would not be that tendency to dispute on that point?—No; but I think it is quite questionable whether a railway company's accounts can be finally closed. In fact, I doubt very much whether they can be. As the exigencies of traffic require, they must increase their accommodation, and that increased accommodation may very properly form a charge against the capital.

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2486. Still, in order to do that, they would have to raise it expressly, and bring it again under the notice of Parliament?—Yes.

2487. It could not be done as it has been done, by a mere stroke of the pen, transferring it from revenue account to capital account?—Certainly not.

2488. Mr. *Henley.*] Do you contemplate, in this proposed scheme of amalgamation, that the Parliamentary powers now existing, to raise further capital in various companies to be amalgamated, should or should not cease?—Certainly that they should cease, except so far as sanctioned by Parliament to continue in force. I mean to say, that if a line were partially made, that the expenditure of capital account should not cease, so as that line should never be completed, but that a Parliamentary power should be continued where Parliament thought it necessary.

2489. Now take this case, of a line in full work, great development of traffic taking place, large increase of station accommodation required; it may be large new stations; should you consider that an item to be carried to capital or revenue?—Capital, certainly.

2490. Then would the amalgamated company have to come to Parliament to get power to raise that capital?—Certainly. I gather from what has passed before the Committee, that in a case of that sort they would apply to the central board, or the Board of Trade, and would obtain a certificate from that Board, or a provisional order, that the increase of capital was such as was consistent with the public interest; and that order would be scheduled in a Bill to be brought before Parliament, in the same manner as is now done by the Enclosure Commissioners.

2491. Do you contemplate that that should be carried out in the form of an estimate to the Board of Trade of all the money to be expended by the company in the first instance, and then dealt with by the auditor; and if he happens to deal with it in the sense of capital, then they must come afterwards to the Board of Trade, and get the Schedule made an Act of Parliament?—Certainly not. I meant, in cases of large expenditure, that they ought to come before the Board of Trade for an increase; but if in any particular case a difference arose between the auditor and the company as to what ought to be carried to capital, and what to revenue, that in such a case the Board should have the power of passing a provisional order, authorising the proportion of it which was allotted to capital, or which should be considered capital; and if the expenditure were of a proper nature, then that it should be scheduled and brought in in the same way as any other capital.

2492. Are we to understand that, for any considerable expenditure that the company wished to incur, they should come for the Board of Trade's sanction before they commenced it?—Certainly, that should be the principle.

2493. Do you extend that to the circumstance of a new station?—Certainly, otherwise the security of the closed capital will be nugatory.

2494. Would you extend that to an increase of the rolling stock of the company?—Certainly. In fact, to every increase of the capital, otherwise the provision for closing the capital would be nugatory.

2495. What sort of extent of department would be necessary to receive the evidence, and enter into consideration of these matters, connected with all the railways in the kingdom?—That is very difficult to say.

2496. They could not decide without, of course, full means of entering into the consideration of it?—Certainly not.

2497. What would be the evidence that you think would be requisite to enable you to come to a determination as to the fitness of a new station?—Inspection at the spot, and inquiry there as to the extent of traffic that is carried on it; and then, after an examination in that way, an estimate from the engineer, which might be examined in the office, and would give a fair estimate of what additional capital would be necessary to enlarge that station to suit the requirements of the public.

2498. All these things, to a certain degree, must be speculative; because, I suppose, many conveniences are afforded to the public, in the hope that they will develope the traffic in consequence?—Just so. In a case of that sort we may consider that the companies, having the interest of the country at heart, as well as their own, would extend their stations in a proper manner; and it would only be to see that their proposed extensions were not of an absurd or extravagant character.

2499. Yet you would not have that confidence in the discretion of the companies, as I understand you, to make an expenditure of that kind without the previous sanction of Parliament?—I do not know how you could draw the line between stations and any other works. The mere fact of closing the capital account involves a permission to open or increase it.

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2500. *Chairman.*] Do you think the mode of proceeding by provisional order and general act would be cheaper than the mode of proceeding by private Bill?—I am not a judge of the Parliamentary expenses of Railway Bills, but I should imagine so.

Jovis, 17° die Martii, 1853.

MEMBERS PRESENT.

Mr. Cardwell.	Captain Jones.
Mr. Patten.	Mr. Laffan.
Mr. Deedes.	Colonel Mure.
Mr. M. Milnes.	Mr. Henley.
Mr. Strutt.	

THE RIGHT HON. EDWARD CARDWELL, IN THE CHAIR.

John Gurdon Rebow, Esq., called in; and Examined.

2501. *Chairman.*] WITH reference to Mr. Mellish's evidence given on a former day, in which he was asked some questions respecting the willingness of the Grand Junction Canal Company to admit, against themselves, certain restrictive clauses, which they desired to impose on the railways, do you wish to make any statement to the Committee?—I do. Mr. Mellish communicated to the directors of the Grand Junction Canal Company the evidence given by him to this Committee; and it appeared to the Board that much stress was laid by the Committee on the point of the Canal Company, as carriers, appearing indisposed to concede what was termed protection to independent carriers on its waters, whilst the Canal Company was seeking for itself protection against the consequences of amalgamation of railways and canals. The Board having taken into consideration the question proposed by the Committee to effect that double object, namely, the submitting the tolls of the Grand Junction Canal Company to regulations by a public Board, the directors have come to the following resolution: "That the directors of the Grand Junction Canal Company will advise their proprietors to assent to their tolls on goods passing from and to other canals, being subject to be revised from time to time, provided that these said tolls are not subject to be reduced below those of other canals, and that all the other canals are subject to the same regulation." That was the resolution which we came to. The Committee will, of course, be aware, that as we, the Grand Junction Canal Company, are not now before Parliament, I believe, our tolls are not subject to revision; and that all we can say as directors is, that in consideration of the general good, both to the proprietors and to the public, that would arise from such a regulation, we should have no objection to advise our proprietors to adopt it. This Committee will, I believe, feel with us the struggle that we are now undergoing, and have been undergoing for some time, to keep open the water-way as carriers for the public good against the railways, and will, I hope, appreciate the object that we have in view; for it is not only for the benefit of the public with regard to carrying, but perhaps, as every Member of this Committee will have seen, it is only one of the means now left for enabling the rails to be cleared where overcrowded by goods traffic, to the inconvenience of the passenger traffic.

J. G. Rebow, Esq.
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Edmund Denison, Esq., (a Member of the House), further Examined.

2502. *Chairman.*] DO you wish to add anything to your former evidence?—When I was under examination the other day, I endeavoured to confine my answers to the questions that were put to me. There was one branch of the subject

Edmund Denison, Esq., M. P.

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subject which was just touched upon, but did not appear to me to be followed up as closely and as far as it should have been by the Committee, in order that they might understand the case. It is with reference to private agreements which are made between railway companies for their own benefit, and to the detriment of others. These agreements are made continually; and, as long as they last, they have all the effect of amalgamations as against a third party. But the Committee know perfectly well that an amalgamation cannot properly take place without the consent of Parliament. When an amalgamation is proposed between two parties before a Parliamentary Committee, it very generally happens that a third party is allowed to appear, and to state their objection to such amalgamation; and, on various occasions, I know that third parties, either for themselves, or for the public, have had an opportunity of getting clauses inserted in an Amalgamation Bill, which the two parties proposing it have objected to. What I want to impress upon the Committee is, that so long as these amalgamation agreements or combinations are allowed to go on, between the respective parties, as long as they last, they have an operation equal to amalgamations; against other parties they are equal to amalgamations, and as regards the public they are equal to amalgamations. But I maintain, both as a director and as a Member of Parliament, that such agreements are quite contrary to the intention of Parliament. I believe that many of them are illegal; because under some of those agreements, money or traffic is promised to be disposed of, and turned over to other lines; if such an amount of traffic is not turned over, money is agreed to be paid out of the purse of one party to the other, to make up for the deficiency. Now I have rather a strong opinion upon that point, whether it is legal for one company to pay money, earned on their railway, into the hands of another company, but I wish to bring it before the Committee that they may investigate it. I do not wish to detain them more than is necessary, and therefore I will only mention one case of which the Great Northern Company complains. Lord Yarborough is the chairman of a railway between Manchester, Sheffield and Grimsby, and they have an agreement with the London and North Western, and the Midland, which has the effect of preventing a very large quantity of traffic, which would naturally flow over the Great Northern line towards Manchester, and to part of their district, from coming upon their line; not only upon ours, but upon theirs; because we know perfectly well that if it did come from Manchester to the East for London, it must eventually come over the Great Northern, having first gone over the Manchester, Sheffield, and Lincolnshire Railway. This is an agreement which has all the effects of combination and amalgamation, and of which Parliament knows nothing; of which the Great Northern complain; of which the public complain; and of which a great number, to my knowledge (for I have letters in my pocket), of the shareholders of the Manchester, Sheffield, and Lincolnshire also complain. I only wish to state this circumstance as an illustration of several others of a similar character; and I submit that it is contrary to the intention of Parliament, and that these *quasi* amalgamations ought not to be allowed without the consent of Parliament; and it seems to me that the Committee, under existing circumstances, ought to make some effort to investigate that particular part of the case. Therefore, what I ask is this, that the Committee will call for the agreement in question, in order that they may satisfy their own minds that the statement which I have made is not an incorrect one. If it is incorrect, I shall be sorry to have made any allusion to it; but if the Chairman will allow me, I will put in the following paper, signed by Mr. Seymour Clarke, the manager of the Great Northern, which enters into a minute detail of this question, and elucidates it much more clearly than I can do. My object is to ask the Committee to send for the agreement, because I am satisfied there are many of these agreements in existence which the Committee, I am quite sure, are not aware of, and I think that Parliament cannot safely legislate, unless they are made aware of these facts. I am reminded that the London and North Western Company have an agreement of a similar character with the Lancashire and Yorkshire Company, and I do not hesitate to say that they are agreements made *versus* the Great Northern, and of which we have a right to complain. Here is the paper: "The London and North Western and Manchester, Sheffield, and Lincolnshire Companies, occupy the same station at Manchester for goods and passengers. The line of the London and North Western Company turns off at Ardwick, three-quarters of a mile only from Manchester. The Manchester, Sheffield, and Lincolnshire

Lincolnshire line joins the Great Northern Railway line at Retford, which is a distance of 65 miles from Manchester. And yet the whole of the traffic in goods and passengers to and from London is turned off at the Ardwick Junction, instead of passing over this long length of the Manchester, Sheffield, and Lincolnshire line. In any attempted arrangements with the Manchester, Sheffield, and Lincolnshire Company, their manager has, during the interviews, referred to the copy of an agreement with the London and North Western Company, to see how far he could go in any proposed arrangements. I am not aware of the exact terms of the agreement, but I believe them to be somewhat as follows: That the term is seven years from the middle of 1850; that all through booking and through rates in goods and passengers, &c., are to be refused to the Great Northern Railway route from London and sundry other places; that Sheffield is included in the same arrangement, and therefore in order to carry Sheffield traffic at all, the Great Northern Railway have to run their own trains from Retford to Sheffield, for which running powers are sanctioned by Parliament. Thus the Manchester, Sheffield, and Lincolnshire Company shut out from themselves Manchester traffic over 65 miles of their line, the equivalent being that the London and North Western shall send traffic from places west of Manchester to Hull by the Manchester, Sheffield, and Lincolnshire, rather than by the Lancashire and Yorkshire, and York and North Midland. The distance from London to Manchester is 203 miles *viâ* Retford, and 197½ *viâ* Birmingham. All traffic booked from Manchester to Retford for certain places to be served by the Great Northern, and *vice versâ*, is also charged the maximum rates of the Manchester, Sheffield, and Lincolnshire Company, which is prohibitory as regards the public. The Lancashire and Yorkshire Company have also an agreement with the London and North Western Company, whereby the same kind of arrangement is made, to exclude the Great Northern Company from Manchester, Rochdale, Burnley, Todmorden, Halifax, Huddersfield, Bradford, and all the populous towns on the Calder Valley to London, &c. The equivalent to the Lancashire and Yorkshire Railway Company being in the way of division of through rates, somewhat in the proportion of 30 miles for seven miles, and some arrangement affecting the traffic from places on the East Coast north of York, the London and North Western binding itself to send all the traffic it can command for Newcastle and Edinburgh *viâ* Normanton, rather than by the West Coast, and the Newcastle and Carlisle Railway to Newcastle, or the Caledonian to Edinburgh. In all cases where this affects the Midland traffic, they are parties to it. The Edinburgh and Glasgow Company having amalgamated with the Caledonian Company, which is under the London and North Western influence, all interchange of traffic west of and north of Edinburgh is refused both on their line, and through their line to other Scotch railways, whereby all traffic for the north of Edinburgh is driven to the Forth and Tay Ferries, or one of them."

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Captain *J. L. Arabin Simmons*, R.E., again called in; and further Examined.

2503. *Chairman.*] DO you wish to add anything on the question of property being affected by unequal charges?—Perhaps the Committee will allow me to mention a case which came before me yesterday, which will illustrate the point which I brought under the notice of the Committee in the evidence which I gave on Monday last, showing the manner in which property may be affected by unequal charges. I do not mean to vouch for the accuracy of the document which I am about to read, but I merely bring it to the attention of the Committee as a case illustrative of what may be done in such cases.

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2504. Is this a document which has reached the Board of Trade in the interval between your examination, when the Committee last met, and now?—It was in the Board of Trade a day or two before, but I had not been able to examine it till yesterday, not having leisure to go into it. It is dated "Chelmsford, February 25th, 1853: Sir, On the 21st ultimo, an influential public meeting was held in the Hall in this town, and resolutions carried unanimously, censuring the course taken by the Eastern Counties Railway Company, and a committee was appointed to obtain redress for the injury inflicted. I have the honour, on behalf of the committee, to call your attention to the accompanying statement, and as the railway company have now several Bills before the Houses of Parliament,

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ment, we trust that the honourable Board of Trade will interfere so as, by the insertion of clauses, to remedy some at least of the grievances there stated. The communication with the metropolis is by the arrangement of trains and fares, so much more convenient and economical on all the other lines having a terminus in London, that several gentlemen have in consequence declined to take houses in the town of Chelmsford and its vicinity. The unequal fares, as shown in No. 2, which we believe to be clearly against this Railway Act, have also caused a very serious depression on the house property here. If you would oblige us by appointing some day, when a deputation from our committee (of which the chairman of the Board of Magistrates is a member) could confer with you, we should be able more fully to explain our views. If you consent to favour us with an interview, Saturday would be convenient to the committee, but we shall be happy to wait on you any day but Friday, when our chairman is engaged at the sessions. I have the honour to be, sir, your obedient servant, *James Fenton*." Then it goes on with a—

STATEMENT of Complaints against Eastern Counties Railway Company.

No. 1.—The fares being higher than on any other line having a terminus in London; take for example:—

	First.	Second.	Third.
Eastern Counties Railway; London to Ingatestone, 24 miles -	5/3	4/0	3/0
London and North Western; London to Boxmoor, 24 miles -	4/6	3/0	2/0
London and South Western; London to Windsor, 24 miles -	4/0	2/6	1/9
Great Western; London to Maidenhead, 23 miles - - -	4/1	3/1	1/11
Eastern Counties Railway; London to Chelmsford, 29 miles -	6/9	5/3	4/0
South Eastern; London to Dorking, 29 miles - - - -	4/0	3/0	2/6
London and North Western; London to Tring, 31 miles - -	5/9	4/3	2/8
London and South Western; London to Guildford, 31 miles -	6/3	4/6	2/7

And several others. The fares being unequal in different parts.

No. 2.—London to Brentwood, 18 miles - - - - - -	3/6	2/6	1/6
London to Chelmsford, 29 miles - - - - - -	6/9	5/3	4/0

The second class passenger from London to Brentwood pays only 1½*d.* per mile. The second class passenger from London to Chelmsford pays 3*d.* per mile for the last 11 miles.

No. 4.—No train from Colchester between two o'clock and eight o'clock, and the Parliamentary train at that time proceeding for the greater part of the year entirely in the dark, without light in the carriages; the labouring man must spend two nights in London, as he does not arrive at the London station until half-past nine o'clock at night.

With regard to the parliamentary carriages, I may observe that the carriages which were approved of by the Commissioners of Railways, when the cheap train arrangements for the Eastern Union Railway were submitted to the Board for approval, were provided with windows and glass shutters to close them. "Lastly. No fixed and reasonable charges for goods; the fares or rates being continually altered; no list being given at the station or affixed, so that the tradesmen may see that they are overcharged; in one case the rate for carrying milk was fixed, and as soon as the farmers had contracted to supply the London market, the rates were doubled."

2505. Do you put that in, not as vouching for the accuracy of the particular statement in that paper, but intending to illustrate the nature of the case to which you referred on the last occasion, when you said that the value of property might be materially altered by changes made by railway companies in the tariff of their charges?—Yes.

2506. Is there anything else you wish to add to your examination on the former day?—Before beginning on another subject, I might be permitted to state a case which has been called to my attention since my last examination with reference to the dangers to be apprehended from giving companies the power of running trains in opposition to other trains over the same line of rails. It is an accident that occurred on the Lancaster and Preston Railway.

2507. You propose to illustrate the operation of running clauses by putting this in?—Yes.

2508. What is the date?—Twenty-first August 1848. "On Monday last, the day

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day this collision occurred, the local train of the Lancaster and Preston Company, which was subsequently overtaken and run into by the express, started 14 minutes late. It was standing ready in a siding, but could not be allowed even to come on to the line, because two other trains, which were timed to start before it, were both detained. These were the Preston, Fleetwood and Wire train of the Lancashire and Yorkshire Company, and the Kendal and Windermere train of the Lancaster and Carlisle Company, both of which were timed to start at 3.40, while the time of the Lancaster and Preston Company's train was 3.45. They actually started as follows, the Fleetwood and Wire train at 3.50, the Kendal and Windermere train at 3.54, and the local train between Lancaster and Preston was then allowed to start at 1 minute before 4, being 14 minutes after its time. The express train of the Lancaster and Carlisle Company, which leaves London at 9 a.m., should arrive at Preston at 3.5, should leave that place at 3.10, and running over the Lancaster and Preston without stopping, should reach Lancaster at 3.44. For some time past, however, it had invariably been late." The report then goes on to describe the accident: "Thinking therefore that the line was clear, the express train passed on at its usual speed, and on approaching Bay Horse, the driver blew his whistle loudly while still three-quarters of a mile off. This whistle was heard at the station, yet the local train made no attempt to move away, nor was any precaution taken to stop the coming train; all parties seem to have confided in the little red flag," which was the signal given to stop the coming train. "On nearing the station still more, the driver of the express train leant far out over his handrail to catch the first sight of a signal, if there should be any, and to see the line as far ahead as he could. The stoker, too, screwed up his break to within a turn of the wheels, and stood with the handle in his hand; the guards also stood to their breaks. They all knew that the Bay Horse station was a dangerous spot when a slow train was ahead; yet, having to run the whole distance from Preston to Lancaster in 34 minutes, they could not afford, without actually seeing a signal, to slacken their pace. The Bay Horse station is placed on a curve, and about a quarter of a mile before coming to it the line sweeps round through a deep cutting; 370 yards from the station there is an over-bridge, and the signal can be seen in fine weather 100 yards before coming to this bridge, or 470 yards from the station. On Monday last the weather was very unfavourable. There was a high wind, and it was raining, and the smoke which blew across the line still further obscured the view. It is impossible to tell how the flag was blowing, for no one seems to have remarked it; but even had it been blowing ever so well, it is probable that, under such circumstances, it could not have been perceived farther than the bridge. No one on the express train saw the flag, though they were anxiously on the look out for it; but on passing under the bridge they saw the other train standing on the line. The driver of the express instantly sprang to his whistle, opened it, and left it blowing. He then shut off his steam, reversed the engine, and put the steam on again in back-action. The stoker at the same time screwed up his break, and the guards applied theirs, but all was unavailing. The rain had rendered the rails slippery, the train was running at least 40 miles an hour, and the distance was only 370 yards; they were still going about eight miles an hour when they struck the other train. The stoker jumped off about 90 yards before he reached the other train; he merely came down upon one knee, and was in no way hurt. The driver remained on his engine, and to the last moment did all he could to stop it. The indifference displayed on the part of those in charge of the local train while this disaster was impending would be difficult to account for, were it not explained by their confidence in the rude signals which had always sufficed for their own local traffic and slower speed, and by the feeling which evidently prevailed among them, that *they were on their own ground, and that the others were intruders.* On hearing the distant whistle they had disregarded it; on hearing it sounded sharply a second time, with the full loud tone that tells of imminent danger, the driver looked and *saw the express train coming under the bridge.* He called to the guard that he must get away, *but the guard, who was with the station-master, told him to stand still, and that the express must wait for them.* A few seconds afterwards even the guard became alarmed, and told the engine-driver to move on; the latter did so, but it was too late; he had not moved five yards before the collision took place. Both driver and stoker jumped off this engine, after having turned the full steam on, leaving the engine to move ahead without any

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one to control it. It was only by a singular accident, resulting from the collision, that it was prevented from running a wild career over the line, hurrying the unfortunate passengers, who had escaped the collision, to some fresh disaster." In the conclusion of the report of the inspecting officer, the following are stated among the causes of the accident. "1st, The lateness of the *express train, and its starting so soon after a slow local train.* 2d. The insufficiency of the signals on the line. 3d. *The local train not keeping its time, and taking no precaution when they knew they were late, and that the express was behind them.* 4th. *The uncertainty as to who is the rightful possessor of the line.* 5th. The want *of a proper understanding between the Lancaster and Carlisle and the lessees of the Lancaster and Preston Railway.* 6th. The rule which allows an express train, which often runs at 45 miles an hour, to pass a station only five minutes after a slow train. 7th. The want of sufficient station accommodation at Preston causing all the trains in the North to start late." Those are the principal causes of that accident. Then the report goes on: "I would suggest that the two Companies should come to a good understanding, and that every effort should be made to determine the right ownership of this railway; that the signals be immediately replaced by others of a better description; that the express be not allowed to pass till 10 minutes after the starting of a preceding train, and that means be taken to ensure, as far as possible, greater punctuality in the times of starting from the Preston station."

2509. What have you been reading from?—From the Appendix to the Annual Report of the Commissioners of Railways for the year 1848, presented to both Houses of Parliament.

2510. By whom is the Report you have read made?—The Report is by Captain Laffan, a Member of the present Committee.

2511. Captain *Jones.*] Did the Board of Trade make any inquiry in that particular instance which you have just referred to?—The extract I have just read is from a Report by an officer appointed by the Commissioners of Railways to inquire into the causes of that accident, the Commissioners of Railways then performing the duties now devolving on the Board of Trade.

2512. Did the Commissioners make any order, or any regulation, or did they offer any recommendation in consequence of what had been reported to them?—The Commissioners forwarded the report to the Company, and requested them to furnish, with as little delay as possible, a full statement of the Company's views on the subject. The Company replied to it, and the Commissioners wound up the correspondence by urging on the companies the precautions which they ought to take for the greater safety of the trains.

2513. They offered recommendations as to the precautions which ought to be taken; but did they give any order themselves, so as to prevent the recurrence of these accidents?—They did not, because they have no power to give orders of that nature.

2514. *Chairman.*] Now, turning to the general subject of accidents, in the first instance, will you give a general account of the number of accidents that have occurred in the last three years, 1850, 1851, and 1852 respectively?—I find that the number of accidents to trains, to which my observations will be confined, were in 1849, 44; in 1850, 60; in 1851, 60; in 1852, 65.

2515. State the total number of persons killed, and the total number of persons injured, in each of those years?—I find that the number of passengers killed by those accidents was in 1849, 6; passengers injured, 72; number of servants of companies killed, 15; and injured, 19: giving a total of 112 persons killed and injured by the 44 accidents to trains in 1849. In 1850, I find that there were 8 passengers killed, and 167 injured; there were 10 servants of companies killed, and 21 injured: giving a total of 206 persons killed and injured in 1850 by the 60 accidents to trains. I find that, in 1851, there were 19 passengers killed, and 344 injured; there were 10 servants of companies killed, and 10 servants of companies injured: making a total of 383 passengers and servants killed or injured by the 60 accidents reported in 1851. In 1852, there were 9 passengers killed, and 372 injured, and 19 servants of companies killed and 32 injured: giving a total of 432 either killed or injured by the 65 accidents which were reported in 1852.

2516. Can you give the mileage in each of those years?—The mileage open at the end of 1849 was 6,031 miles. The mileage open in 1850 was 6,621 miles.

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The mileage open at the end of 1851 was 6,890 miles, and at the end of 1852, 7,336 miles.

2517. Are you able to state the number of passengers for every year except 1852?—Yes. The number of passengers carried in 1849 was 63,841,539; in 1850 it was 72,854,422; in 1851 it was 85,391,095. We have not the returns yet completed for 1852.

2518. Is it the fact, that the number of accidents has proportionately much increased, or is it the serious nature of the accidents that has become more strongly marked?—It would appear from this, that the number of accidents to trains has not materially increased in the last three years, but the nature of the accidents has become very much more serious. I find that the proportion of passengers or servants of companies killed or injured in 1849, compared to the number of accidents which happened to trains, was $2\frac{5}{10}$; in 1850 it was $3\frac{4}{10}$; in 1851 it was $6\frac{4}{10}$; and in 1852 it was $6\frac{6}{10}$.

2519. Now, confining yourself entirely for a moment to passengers who met with their death by causes beyond their own control, will you state what that number has been in each of the three years?—I find that in 1850 the number of passengers killed by causes beyond their own control were 12. There were three passengers killed on the East Lancashire Railway, who were alarmed at the approach of another train, and they jumped out of the train and were run over. It is difficult to say whether they were killed by causes over which they had no control or not. The other case was that of a bullock-drover, who was gored to death by a bullock. That makes up the 12.

2520. Confining yourself, if you can, to accidents happening to passengers, when the cause was entirely a railway accident, and beyond their own control; that is, not an accident of a bullock goring a driver, nor of a passenger jumping out of a carriage, but an accident, the direct inevitable consequence of what occurred to the railway train in which the passenger was being conveyed?—I conceive that the whole of those passengers that I have before stated, as having been killed or injured by those accidents to trains, have been killed or injured by causes beyond their own control.

2521. Can you state for every year except 1852, what is the proportion between the number of passengers killed by accidents beyond their own control, and the number of passengers carried in that year by the different railways?—I find in 1849 the number killed amounted to one in 10,600,000; in 1850, the proportion was one in 9,100,000; and in 1851, the proportion was one in 4,500,000.

2522. To what circumstance do you attribute the much more serious nature of the accidents that have lately happened?—On going through a list of the accidents that have lately happened, I find a great number were collisions. They occurred principally, I conceive, in consequence of the great increase of goods traffic on railways, and the introduction within the last two years, to a very great extent, of excursion trains on railways.

2523. To the goods trains and the excursion trains not being carried on with the same regularity in point of time with the ordinary passenger trains of the different companies?—Not only not being carried on with the same regularity as the other trains, but making the other trains irregular likewise.

2524. Mr. *Henley*.] Have you been able to make up the number of persons who have travelled for the year 1852?—No.

2525. Therefore you are unable to give an account of the exact proportions in the year 1852?—I am unable.

2526. But the whole number of persons killed in 1852, you have stated to be nine passengers?—Yes, by accidents to trains.

2527. The whole number killed in 1850, you have stated to be eight passengers?—Yes.

2528. Is it your opinion that travelling has increased or decreased since 1850, as compared with 1852?—Very materially increased, I have no doubt; I find the increase in 1850, as compared with 1849, was 15 per cent.; that the increase in 1851, as compared with 1850, was 17 per cent.; and I have no doubt that the increase has gone on in 1852 somewhat in the like ratio; but the accidents by deaths seem to me to be quite a chance; if an accident happens to a train, it is a chance whether the people are killed or injured.

2529. *Chairman*.] Now taking the whole number of persons both killed and injured in these several accidents, what has been the proportion of the persons so

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injured to the whole number carried in each of the last years for which you have been giving a comparison?—In 1849, the number of passengers killed and injured amounted to 78, which gives one in 818,000; in 1850, the number of passengers killed and injured amounted to 175, and that gives one in 416,000; in 1851, the number killed and injured was 363, and that gives one in 235,000. I have not the total number of passengers carried in 1852, but the total number killed and injured was 381.

2530. What is the total number of returns of accidents that have been made by railway companies to the Board of Trade in 1853?—The total number of returns is 86.

2531. In how many cases has it been thought necessary to institute inquiry by inspectors?—In 19.

2532. Will you state what is the general principle which guides the Board of Trade in determining whether the nature and character of the accident is such as to call for inspection by an inspector?—Under an Act of Parliament railway companies are required to report all accidents attended with serious personal injury to the public within a period of 48 hours. Those reports are examined, and such accidents are selected for inquiry as appear to involve circumstances bearing on the safety of railway travelling, and if our staff is sufficient, we have been in the habit of instituting inquiries into all such accidents.

2533. Then the 19 accidents of which we are now about to speak, represent those cases, the nature and character of which has been such as to demand inquiry on account of the tendency of the circumstances to affect the general safety of railway travelling?—Just so.

2534. In consequence of the number of accidents recently occurring, the Board of Trade have applied for and received the sanction of the Treasury for an additional strength of inspectors?—Yes.

2535. Now go through those 19 accidents in the order of their date, beginning first with the accident that occurred at Oxford on the 3d of January?—The accident which occurred near Oxford on the 3d of January was inquired into by Captain Wynne, one of the inspecting officers of the Board of Trade. The number of persons killed in it were eight, and there were 17 injured. It appears that, owing to some failure in the works on the line, it became necessary to use as a single line of railway a portion of the Buckinghamshire Railway, which is leased to the London and North Western Railway Company, for a few miles into the town of Oxford, during some repairs of a tunnel. During the course of these repairs the traffic was conducted on a single line, the other line being given up to the contractor who was entrusted with making those repairs. On the evening of the 3d of January a passenger train was drawn up at the Oxford station, and was ready to start, the time having arrived for its departure; but a coal train was expected, it having been signalled by telegraph from the neighbouring station that it had left. The station master at Oxford having given some verbal instructions to the head porter at the station, that the train was not to start until the coal train had arrived, went into his office to attend to other duties. The head porter at the station had some conversation with the guard and with the driver, and then went up the line to see if the coal train had come in; in the meantime, while he was away, a ballast train arrived on the other line, which had been given over to the contractor, and immediately after its arrival, the passenger train left Oxford, and it had not proceeded more than a mile or so, when it came into contact with the coal train coming in an opposite direction on the same line of way. Captain Wynne, in his Report, attributed this accident entirely to the want of proper instructions for the guidance of the servants of the company, during the time that it was worked as a single line of railway. This report was forwarded to the company with a letter from which I will read an extract: "My Lords direct me to state, that it is with regret they observe that their officer attributes this accident to the absence of due regulations on the part of the superior officers of the company to provide for the safety of trains under the peculiar circumstances which had arisen in consequence of the injury sustained by the works on the railway from the continued succession of heavy rains. It is with regret also that my Lords are informed in this Report that a similar accident very nearly occurred on the 5th January,"—two days after the other accident,—"due entirely to the insufficient measures adopted by the company for the security of trains over that portion of the Buckinghamshire Railway which is constantly worked

worked as a single line, and to the appointment of a person to perform the responsible duties of station master at a point where more than ordinary vigilance was required, who was totally incapable of executing those instructions of the company, upon which the safety of the trains entirely depended. With respect to these instructions, my Lords direct me to observe that they would urge upon the company the necessity of revising them, as they do not appear to provide sufficiently for the safety of trains; and I am also to urge upon the company the propriety of adopting, in their general regulations, some more definite rule with respect to the starting of trains, and, generally, the necessity, in the rules which they establish for the conduct of their officers and servants in regard to the traffic upon their lines, of fixing individual responsibility upon their servants, instead of prescribing general regulations, and leaving the performance of them as a general duty upon the servants of the company. My Lords would also urge upon the company the propriety of issuing written instructions, which shall be in a clear and definite form, to all those of their servants whose duties are connected with the main lines of railways, by which the danger arising from misunderstood or misinterpreted directions, such as happened with reference to the signal at the Isis Bridge, would be avoided." That has reference to the signal which, in the course of Captain Wynne's inquiry, was understood to be worked differently, and to mean different things, by the different servants of the company; and it turned out that there had been no written instructions as to the manner in which that signal should be worked. He considered, that if there had been such written instructions, the misunderstanding could not have occurred. "With respect to the recommendation in the Report, as to the means of effecting a communication between the guards and drivers of trains, my Lords direct me to forward an extract from a memorandum drawn up by me on the subject, and to request that you will bring it to the attention of the directors, in the hope that they will give it, and the observations of Captain Wynne on this subject, their best consideration, with a view to the adoption of some practical means of effecting this much desired object. My Lords desire me to add, that they will be glad to receive any observations the directors may have to make, both as to the desirability of effecting this communication, and the means of accomplishing it, which their Lordships consider will be attended with great advantage to the railway companies generally, and to the public."

2536. Then, in your opinion, the cause of that accident was defective regulations for the management of the line during the interruption of one of the two lines for the purpose of repair?—Certainly.

2537. Now, will you turn to the accident which happened on the 8th of January, at Bristol, on the Midland Railway?—That was an accident that occurred by the bursting of the boiler of a locomotive engine, by which one person was injured. We have not yet got the official report of that accident. Captain Galton has been making the investigation of it, and has been occupied with other things since, but has not been able to make a report on that accident. It is a case that will admit of delay, therefore he has postponed it while making other inquiries.

2538. Mr. *M. Milnes.*] That was from a defect in machinery?—It may be from defect in machinery, or neglect of an individual. I am not able at present to state the cause; I am not in possession of the official report on this accident.

2539. *Chairman.*] In consequence of the department being overburthened with regard to these inspections, have those which appear to be more urgent been reported upon in the first instance?—Yes.

2540. Now, take the accident which happened on the 17th of January, on the Caledonian line?—This accident occurred near the Blantyre station, on the Hamilton branch of the Caledonian Railway, and was of a similar character to that which occurred at Oxford on the 3d of January. By this latter accident six people were injured. From some defect in the permanent way, I believe, from a slip caused by the heavy rains, it became necessary to confine the traffic to one line of rails. In consequence of insufficient regulations, this accident occurred. The regulations, which had been verbally communicated along the line, if carried into effect, would have been sufficient, but having been given verbally, and a servant of the company, who was entrusted with carrying them into effect, having imagined that some latitude was given to him in the execution of his instructions, neglected them, and therefore the accident occurred. The precaution which had been directed was, that a pilot engine should be

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told off to travel with every train, and that no train should proceed along the line, unless accompanied by it, which would have ensured safety; but, owing to the neglect of the company's servants, the regulation was disregarded, and so the accident arose.

2541. The cause of that accident was defective regulations?—Yes.

2542. Now take the accident which happened on the 18th of January at Chorley, on the Lancashire and Yorkshire Railway?—This accident occurred on the 18th of January, and by it one person was injured. It appears that a cattle train left Preston on its way towards Manchester, and after passing the Euxton Junction had to ascend an incline towards Chorley. The rails were in a slippery condition, and the engine therefore lost time between Euxton and Chorley. But it surmounted the incline, and was just getting into speed again when a passenger train, which had started some 10 minutes after it from Preston, overtook it, and ran into it upon some curves, where, owing to the line being curved, the extent of view of the driver of the passenger train was very much curtailed. Both trains belonged to the same company. It appeared that the regulations in this case were insufficient to secure the safety of trains. It also appeared in the course of the investigation, that the men who were employed upon the trains, and the correct performance of whose duties depends upon a knowledge of time, were not supplied with time-pieces; that having to keep out of the way of other trains a certain interval of time, they had no watches, and therefore of course could not perform their duties efficiently. It also appeared that the regulations with regard to the goods and cattle trains generally on the line, were not sufficient to provide for the safety of trains travelling over the lines.

2543. What was the communication made to the company in respect of the accident?—The Board forwarded a copy of the inspecting officer's report, and went on to state, "My Lords direct me to request that you will bring to the attention of the directors the observations in the report as to the necessity of adopting some measures in addition to those now in force for the protection of trains passing over their line between Euxton and Chorley, which, according to the report, appear at present to be insufficient to secure the safety of trains. My Lords desire me to state that it is with much regret that they learn that, notwithstanding the representations which have been made to the company by their Lordships with reference to previous accidents that have occurred upon their railways, pointing out the necessity of the men being supplied with the means of knowing the time, when the performance of their duties depends upon a knowledge of time, the directors have not thought proper to see that these men are supplied with time-keepers. My Lords also desire me to observe, that the regulations issued by the directors with reference to the coal trains being kept out of the way of passenger trains, appear to be altogether insufficient to provide for the safety of the traffic. My Lords have on previous occasions remarked on this subject to the directors. My Lords regret that they are compelled to address these observations to the company at the same time that, with reference to another accident, and to a like disregard of the company of other suggestions made to them by their Lordships, it has been their Lordships' duty seriously to warn the company, and to intimate to them the probability that it may become their Lordships' duty to direct the attention of Parliament in some special manner to the risks to which passengers are submitted on the Lancashire and Yorkshire Railway."

2544. Mr. *Laffan.*] Do you remember some previous case to this, where the Lancashire and Yorkshire Company were warned by the Railway Department of the Board of Trade of the serious consequences that might attend from the want of knowledge of their servants as to the time, and where cases came out of several trains coming together, and not one of the parties there having a watch?—The Board of Trade directed a remonstrance to be made to them on the 13th of November last, in which they pointed out the very great responsibility which would rest on them from the continued absence of time-pieces on the railway, by which the servants of the company might regulate their proceedings. They forwarded at the same time a copy of the Report of Captain Laffan, in which it is stated, "At the Lostock Junction there was no clock, and the pointsman had no watch, and it was therefore clearly useless to publish rules for the working of that junction, directing that no train should follow another at a less distance than five minutes, and that a caution signal should be shown for five minutes more. The pointsman had no means of estimating the intervals of time; and among all the servants of the company present, with the seven trains that were detained at the

junction

junction on the 23d of August, I could only find one who had a watch with him, or who could give me even a moderately accurate estimate of the time. One of the company's servants, a guard, was wrong in his reckoning to the extent of an hour." Seven trains passed the junction in a quarter of an hour, instead of 30 minutes, which should have elapsed between the passing of the first and last, according to the regulation above quoted.

2545. *Chairman.*] On the 21st of January there was an accident on the Great Northern line, at a place called Wormsley?—On that occasion the tire of a leading wheel of an engine broke, and the engine, with three carriages, were thrown down an embankment. It occurred on the 21st of January, and four persons were injured by it.

2546. What description of train was it?—An ordinary passenger train. It is a case in which the official report has not been received; it has been deferred for the same cause I mentioned just now.

2547. On the 31st of January there was an accident at Bow Beach, on the South-Eastern line?—I find that report has been received, but not yet acted on. It has only been in my hands a day or two, and I have not yet had time to examine it.

2548. On the 1st of February there was an accident on the Manchester, Sheffield, and Lincolnshire line at New Holland?—By that accident six persons are reported to have been injured. It occurred on a portion of the line extending some 300 or 400 yards from the station down to a floating landing connected with the ferry across the Humber. This short length of line is used as a single line; and it appears that owing to defects in the regulations of the company for working that short length of single line, this collision occurred.

2549. On the 1st of February also, there was an accident at a place called Manton, on the Midland Railway?—This accident occurred on the 1st of February, by a passenger train running into a goods train, and several persons were injured by it. It appeared in the course of the investigation, that the company had altered their time tables, but their servants were not aware of those alterations. The consequence was, that the goods train did not know where the passenger train was, and it being in a fog, and the goods train not being able to proceed so well as it otherwise would, the passenger train ran into it.

2550. Captain *Jones.*] Did these trains both belong to the same company?—They both belonged to the same company; and it also appeared in the course of the inquiry, that the men who were in charge of the goods train, and whose duties therefore under the instructions which they have received from the company are dependent on a knowledge of time, were not provided with time-pieces.

2551. *Chairman.*] That again was an accident resulting from defective regulations?—Clearly.

2552. On the 1st of February also there was an accident at Leicester, on the Midland Railway?—On this occasion there were two persons injured. In this case, ballasting was going on upon the line, and a ballast engine and train were coming out from a ballast pit, not at a station, and a goods train ran into them. It occurred in a dense fog; and it appeared, according to the company's regulations, that ballasting ought not to proceed during fogs. Notwithstanding that regulation, ballasting was going on, and the consequence was this collision, which may be attributed, therefore, to disregard of regulations and defective discipline.

2553. That is, the rule which was laid down was the right rule, but the precautions taken for enforcing it were defective?—Certainly.

2554. On the 7th of February there was an accident at Burton, also on the Midland Railway?—Yes; I find there was an accident at Burton on the 7th of February, by which one person was injured. This accident occurred in consequence of a goods train coming up to the Burton station, and having to shunt out of the way of a passenger train; and there being no room in the sidings for it to be shunted, the engine went onwards to a siding a little further down the line, and finding no room there was returning, when it came in contact with an engine which, in the meantime, had come out of another siding without any instructions or any permission of the station-master or porter in charge of the station, and was proceeding to pick up some other waggons to make up a train, with the intention of taking it on the South Staffordshire line. In this case, the accident was due, first of all, to a deficiency in the siding accommodation of the railway; secondly, to a disobedience of instructions, for it appeared, in the course of the inquiry, the

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the engine and train were proceeding back upon their own line, without proper signals being out behind them to protect them, in direct opposition to the orders and instructions of the company. It also appeared that there was a great want of punctuality.

2555. On the 9th of February there was an accident at a place called Bowyer's Brick, on the Great Northern?—Yes. On that occasion there was one person reported to have been injured. The accident occurred by a man having neglected a signal, and so not having stopped his train; but the inspector attributes the accident to a want of punctuality, for had the trains been both punctual, the signal would not have been required to be used, and so the accident could not have been caused.

2556. That again is a case of defective regulations?—Yes, in some measure to defective regulations. Regulations have since been issued which, if carried into effect, will effectually prevent a similar occurrence.

2557. On the 10th of February there was an accident again on the Great Northern?—That was by the breakage of the tire of one of the driving-wheels of the engine; by it no persons were injured, and I have not yet received the report; it has been deferred for the same cause that I have stated the other reports have been deferred; it is not stated in the report from the company, what the nature of the train was, and as we have not got the report from the inspecting officer, I cannot state it.

2558. But no persons were injured by that accident?—No person.

2559. On the 24th of February there was an accident at Ealing, on the Great Western Railway?—Yes; by that, which was an accident to an express train, part of which got off the road, one person was killed, and five were reported to have been injured; that accident is now under investigation, and I have not yet received the official report.

2560. On the 27th of February there was an accident at Little Bytham, on the Great Northern Railway?—That was a collision between a coal train and a passenger train, by which two persons were injured; I have not the report of that accident with me.

2561. On the 2d of March there was an accident at Tynemouth, on the York, Newcastle and Berwick Railway?—Yes; by that accident there was one person killed, and five were injured; there are some peculiar circumstances attending that accident, which perhaps it may be as well to state. About ten days before the accident occurred, a Mr. Spence, resident in the neighbourhood, wrote a letter to the Board, calling attention to the state of a viaduct, called the Willington viaduct; he stated that it was generally considered, by persons who were in the habit of travelling over the line, unsafe, and that an accident had happened on it, or close to it, by which a part of a coal train had been precipitated down a bank. Upon receiving that letter, the Board immediately communicated with the company, and requested that they would transmit for their information a report of the engineer of the company on the bridge, and on the accident. Before that report was received, being probably after an interval of a week, we received a report from the company of an accident having occurred close to the same spot, by which one person was killed and five were injured. The Board accordingly appointed one of their officers to investigate the circumstances; he has not yet reported the circumstances, but the case is now under investigation.

2562. That warning, which had been given to them by that correspondence with the Board, was all that the law enabled the Board to do under those circumstances; that is, they had no power of closing the line, or of compelling them to alter the state of the works?—No, they had no power. We have frequently reports from private individuals whose alarms are excited, perhaps unnecessarily, and the usual course is, in the first instance, to communicate them to the company, calling for a report, more especially if our inspecting officers are very much engaged at the time, and happen not to be in that part of the country to which the report refers. Having drawn the attention of the company to a report of this nature, calling on them for their view of the subject, we compare that with what has been previously stated, and if thought necessary, we have the power to send an inspector to inspect or examine the true state of the complaint. It will be right to state in this case, that two or three mornings after the second accident, we received a report from the engineer of the company with reference to the first complaint; and I do not think that the delay in making that report

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was unnecessary, because I happened in the interval to have met the engineer of the company in this room, attending before this Committee; and therefore 10 days would not appear to be an unreasonable time for sending up a report in a case of that sort, under the circumstances of the absence of the engineer.

2563. On the 4th of March there was an accident at Bolton, on the Lancashire and Yorkshire Railway?—There was an accident near Bolton on the 4th of March, by which four persons are reported to have been killed, and seven injured; that is now under investigation.

2564. On the 4th of March there was also an accident at Merstham, on the South Eastern Railway?—Yes, there was an accident on the 4th of March at Merstham, a passenger train having run into a ballast train and thereby injuring eight labourers who were on the train. That was caused by a slight defect in the regulations of the company. According to the usual practice on railways, whenever a train is stopped on a line, it is customary to send a man out with a signal a certain distance, about 800 yards behind, to stop any coming train. This had been done in the case of the ballast train, and it was about to proceed. The engine driver had blown his whistle to call up the man who had been out with the signal, so that he might join the train, and he had just come up to the train when the other train arrived. It was owing to a defect in the arrangements of the company not providing for the signal being given in the interval of time between the departure of the man whose duty it was to protect the train by signal, and the time of his joining the train. On other lines it has been provided for by the use of some signals, of the nature of portfires, which burn for 10 minutes, and so give the signal till the man has arrived at the train, and the train has started.

2565. That again was a case of defective regulations?—Yes.

2566. On the 9th of March there was an accident at Mangot's Field, on the Midland Railway?—Yes; by that accident two persons were killed, and five reported to be injured. It was a case of a night mail train proceeding from Gloucester to Bristol, and it was run into by a return engine. We have not yet got the official report of that accident.

2567. On the 12th of March there was an accident at Battle, on the South Eastern Railway?—Yes; by that no person was injured. The train got off the road; an officer has been desired to inquire into it.

2568. These are the accidents which, in the year 1853, have been ordered for inspection by the inspecting officers?—Yes.

2569. In most of them reports have been received; but there are some of them in which the reports yet remain to be received?—Yes.

2570. So far as we now know, 16 persons have lost their lives, and 83 persons besides have been injured?—Yes; by those 19 accidents.

2571. Looking at the whole case, is it your opinion that the chief cause of those accidents has been the defective state of discipline on the railways?—Certainly; that is my opinion, as far as I am able to judge. From the reports of the inspecting officers, that is the conclusion I have come to. They are principally caused either by defects in regulations themselves, or disobedience to those regulations; in fact, defective discipline.

2572. Some of the accidents have been occasioned by the defective state of the line, or by the defective state of the working stock; yet, on the whole, are you of opinion that by far the greater cause of accident has been want of effective regulations?—Certainly; and on that point I might state what was the result of an analysis which I made of the reports of the inspecting officers on accidents that occurred in 1851. There were 41 accidents inquired into, and of those two only arose and were entirely attributable to accidental failure of machinery, or from defects in roadway or works. There were other 14, in which were involved circumstances affecting the machinery or works, but there were other causes also contributing to produce those accidents.

2573. Then, is it your opinion that, by a more judicious and careful arrangement of railway discipline, the greater proportion of these accidents may, in future, be avoided?—Decidedly so.

2574. You have attributed the increased seriousness and fatal nature of these accidents to the great number of goods trains, and to excursion trains, which, in late years, have passed along the lines?—Yes, in a great measure.

2575. Those trains being in themselves irregular as to time, and therefore causing irregularity also in the passenger trains?—Yes.

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2576. You mentioned that during the period that these accidents have been going on, you made, under the direction of the Board of Trade, a journey into France and Belgium, a journey for the purpose of ascertaining what precautions were there adopted for the purpose of preventing accidents?—Yes.

Vide Appendix, No. 6.

2577. Can you state, as the result of your visit, any experience which you there obtained on the subject of increased safety for the public?—I have here a copy of the law in France on the police of railways, with a report to the King upon it. I find that in that there are several useful regulations with regard to the safety of railway travelling. They interfere a good deal with the management of the railway, and in many points would be considered objectionable in this country, as by so doing they would, to a certain extent, relieve the companies of the responsibility under which they are placed in this country, at any rate by their liability as common carriers, and under Lord Campbell's Act; but there are, nevertheless, many useful regulations in this code of laws, and which are much of a similar character to what are embodied in the general regulations of railway companies in this country. For instance, there is a prohibition of cast iron wheels, and a provision that the carriages for the conveyance of passengers shall be of a solid construction; and that they shall be provided with everything that is convenient and proper for the safety of travellers. There is also a regulation as to the number of conductors in charge of breaks which shall be on each railway. The regulation in that case is, that they are to be determined for each railway, according to the inclinations or gradients, and the number of carriages, by the Minister of Public Works, on the proposition of the company. There are also provisions limiting the number of carriages to be attached to each train, and the trains are only to be drawn by one locomotive, except under extraordinary circumstances, where from the state of the atmosphere, or some special cause, it may be necessary to have two; and that two engines are on no account to be exceeded; and there shall be the same number of vans between the train and engine as there are engines. There is also a provision that the guards in charge of breaks shall be placed in communication with the engine driver, in order to give in case of accident a signal of alarm by such means as shall be authorised by the Minister of Public Works, on the proposition of the company. There are also regulations as to the interval between trains. I had better put in the whole code, so that it may be in the Appendix to the Minutes of Evidence.

2578. Mr. *Henley*.] Is there any definition of what they mean by the word "solid," as applied to carriages?—No, that is left to the definition which may be afterwards given to it by the Minister of Public Works, or those under him.

2579. *Chairman*.] Speaking generally, the continental railways are less crowded with traffic, and the speed is inferior to that of the English railways; is there any continental railway that you can fairly take for the purpose of comparison with our average English railways?—There is the Great North of France Railway, in which the traffic approaches that on some of our lines. The traffic and the speed are quite as great. I find that the mean length of railway belonging to the Great North of France Company from Paris to Calais, with branches from Calais towards Brussels and other places; the length of railway possessed by the Great North of France is 401 miles, and the length of the railways of the Midland Company of this country, which I should compare it with, is 491 ½. The receipts on the North of France Railway amounted, in 1851, to 1,052,977 *l.*; on the Midland Railway, the receipts were 1,159,615 *l.* I find that the express trains traverse the line from Calais to Paris, 235 miles, in seven hours, being an average speed of 33 ½ miles per hour. That, as compared with the speed on English railways, may be taken to be much about the same. I find that the speed of the express train from London to Lancaster, 238 miles, is 33 $\frac{4}{10}$ miles per hour, the journey being performed in 7 hours 10 minutes. From London to Leeds the distance is 206 miles, and the average speed is 33 $\frac{8}{10}$ miles an hour, the time consumed in the journey being six hours and five minutes. From London to York is 220 miles; the average speed is 34 miles per hour, and the time consumed is six hours and 28 minutes. Therefore I think the North of France Railway may very fairly be compared with some of the English railways.

2580. Mr. *Henley*.] Is there any relative comparison of the number of stoppages that express trains make?—I could ascertain that; there is no very great difference.

2581. *Chairman*.]

2581. *Chairman.*] Is the Great Northern Railway of France very free from serious accidents?—As far as I could ascertain, it is free from accidents generally.

2582. What means had you of ascertaining?—I asked the chief officer in the department of the Minister of Public Works, and he stated to me that it was very free from accidents; that accidents were rare on that line.

2583. Describe the principal precautions which are adopted by the Great Northern Railway of France for insuring the safety of passengers. Is it owing to any superiority in the line itself?—From what I saw, and I travelled for some distance upon a locomotive engine on that line, I should say that the line was not in such good order as generally our principal lines of railway are. There is scarcely a signal from one end of the line to the other; and the comparative safety of the trains on the line was entirely to be attributed to the line being always kept clear, and to the police regulations upon it. It must be so, because there is scarcely a signal from one end to the other.

2584. What are the principal regulations which, in your opinion, bring about that desirable result?—Comparing the receipts upon the two, which may be taken as a fair index of the relative amount of the traffic of the two railways, the Midland and the Great North of France, and as the tariffs of the French lines are rather under than over the tariffs of our own lines, I should say the traffic on the Great North of France was heavier than the traffic on the Midland.

2585. What are the principal precautions to which, in your judgment, the safety of the public on the Great North of France is owing?—Superior police regulations.

2586. By which you mean the maintenance of a stricter discipline in the servants of the company?—And probably a better system of regulations likewise.

2587. Is there a more strict regulation as to the weight with which an engine shall be allowed to depart?—Yes, the weight of trains is limited, so that the engines are able to keep a greater degree of punctuality; and also, there is a register kept along the line of the railway of the time of the passage of the trains past certain points; and the time-tables are re-adjusted according to those registers, and there is a great degree of punctuality maintained. There are similar registers on many of our lines of railway in England, but they are not universal.

2588. Looking to your experience in this country, and what you have learned abroad, are there any general recommendations that you are prepared to offer for the better regulation of railways in this kingdom?—I have drawn up a paper on the subject here, with some care; and perhaps I had better state its substance to the Committee, rather than answer an important question of that sort in a vague manner. The following are the conditions that I should consider requisite for safety: "First, that the line should be properly constructed, and efficiently maintained. Second, that rolling stock should be likewise. Third, that the main lines of every railway should be at all times kept clear for the passage of trains; no shunting being allowed to take place upon them, nor unnecessary obstructions."

2589. By shunting, do you mean the passage of the train from the up line to the down line?—Yes; or the formation of a train upon the main lines of railway. "In order to accomplish this, where trains travel at different speeds, and it is necessary for one train to pass another, a sufficiency of sidings must be provided, so that the train that is to be passed may always be moved off the main line, instead of being moved on to the other line, as is often done, and with most serious results. The chief obstacle to keeping the main lines clear, is the expense of making sufficient sidings; the evil of this not being done is becoming daily more serious, in consequence of the immense development of the goods traffic of the country, which now yields about one-half of the gross revenue upon railways. When these receipts shall have amounted to two-thirds of the gross receipts, the companies will be relieved from the necessity of running cheap trains, and from a liability to a revision of tolls, and from the option of purchase reserved to the Government under the Act 7 & 8 Vict., c. 85. The power also of the Board to regulate the making of junctions of branch lines, under s. 12, 5 & 6 Vict., c. 55, will cease." The goods traffic of the country now yields 47 per cent. of the whole of the revenue derived from railways; it was formerly, in 1847, not more than 39 per cent. "One great means of keeping the main

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line clear for the passage of trains, is by using well-regulated time-tables, which shall fix the proper time of arrival of each train at every place, so that if the siding accommodation were sufficient, the person whose duty it is to regulate the time-tables would take care that the trains being punctual as to time, no train should interfere with another." In order to accomplish that, it would be necessary that the lay-byes, that is, the sidings which are intended for one train to be got out of the way of another, should always be kept clear, and that they should be distinct from the sidings which are ordinarily used for goods purposes. "In order that this may be done, it is necessary that the power of engines should be accurately determined with reference to the speed and weight of trains, and the particular line to be traversed, under the assumption of bad weather. This assumption appears necessary, especially on account of the variableness of the English climate. Thus it would be determined that engine A is able to take so many carriages at express speed, so many at the speed of ordinary trains, and so many loaded goods waggons at the speed of goods trains between such and such places. This limited weight being registered and known to the driver, should, on no account, be exceeded." This principle coincides with that adopted in the regulations on the London and North-Western line. It is to be found in their code of regulations, that the locomotive superintendent is to certify the number of waggons the goods engines are able to take along the lines of their railway. "Passengers might thereby be occasionally detained, but this is of far less consequence than subjecting all the trains upon a line throughout an entire day to irregularity and consequent risk of accident, for if upon a line of heavy traffic, one train becomes irregular, all others for the same day are generally affected by it. If it frequently happened that passengers were detained, it would be a sign that the number of trains required augmentation; on particular occasions special trains might be sent for their accommodation. This principle coincides with that adopted by the companies universally at roadside or intermediate stations, where under the bye-laws, tickets are always purchased subject to there being sufficient space in the trains. If this regulation were adopted, it would be necessary to limit the accommodation of each carriage in the same manner as those plying for hire on our public high roads. In order to the correction and proper adjustment of the time-tables, a careful register of the actual times of running of the trains should be kept by the guards, and also at the stations, and by signalmen along the line of railway. The result of this register would be that the trains might be timed, so as to work with a very great degree of punctuality. These registers, if kept by both the guards and the signalmen along the line, would have the effect also of causing vigilance, and be of great assistance in tracing the causes of accidents. They would also be of great service in the adjustment of time-tables to suit the requirements of the traffic, the usual places where delays might take place would be ascertained, and the extent of such delays. If the system above detailed could be rigidly enforced, and the arrangements of trains made perfect, there would be no occasion for signals for the protection of trains, except at level crossings of roads where an obstruction may take place extraneous to the traffic; but inasmuch as engines will sometimes, though very rarely, if not overloaded, break down and delays occur, signals along a line are necessary as auxiliaries to aid in securing the safety of trains. They should not however be considered, as they generally are, the principal means of ensuring safety in railway travelling, for it is evident that their efficacy depends upon the unremitting attention of the men who have charge of them, and of those to whom they are intended to give notice of an impending danger, as well as on the sufficiency of the signals themselves, and of the means with the train to stop it before it arrives at the obstruction of which the warning is first given by the signal; a defect also of any system of signals is, that in working them the responsibility is necessarily divided. It is mainly to the absence of properly regulated time-tables, the insufficiency of siding accommodation to allow of trains being got out of each other's way, and the inability of the staff of a railway to maintain discipline, and perform the necessary duties in connexion with the traffic, and to the mistake of placing too much dependence upon signals, that accidents on railways occur." That is what I meant in reply to the questions, as to defective regulations being one of the principal causes of accidents. "In France and Belgium, where there are scarcely any signals upon the railways, accidents, I am informed, are not of frequent occurrence; it is true that the traffic is not so heavy as upon English railways,

railways, and the speeds are generally not so high, but still this is not sufficient to account for the difference in the results. On the North of France Railway, the traffic approaches that of some of our lines of great traffic, and the speeds are quite as great, but nevertheless accidents, I believe, rarely occur, although there is sarcely a signal from one end of the line to the other, and the line itself is not so well maintained as English lines generally are. I believe the difference is mainly attributable to the system of time-tables, and the registration of the actual times of the trains in arriving at and passing stations, and the consequent regularity induced. In order to accomplish this, the trains are limited in weight. The great difficulty in interfering with railway companies in the management of their traffic is, that by so doing there is some risk of their vigilance being diminished by their being relieved of responsibility. I would, however, nevertheless recommend that companies should be obliged to submit their regulations for the approval of the Board of Trade. The regulations connected with the safety of trains need only be of very simple character, as they need only refer to comparatively few persons, whose duties are immediately connected with the main lines, and not at all to the porters strictly so called, and the management generally of the goods and locomotive departments away from the main lines. On this head it is to be observed, that although it is impossible to frame regulations so as to meet every possible contingency which may arise in the course of traffic, it is nevertheless perfectly easy to frame such regulations as shall provide every reasonable security for the safety of trains; and I am not aware of any instance wherein strict obedience to any such regulation could by possibility have produced an accident, although undoubtedly many might have been prevented by their enforcement. The responsibility would still rest upon the companies of keeping their railway and rolling stock in an efficient and safe working condition, also of obeying the regulations which ought to be, and can easily be, so framed that no possible disobedience of them could produce an accident, without the responsibility of that accident being directly referable to a responsible officer; for instance, the officer who might sanction an improper time-table, or who might allow a siding intended for the shunting of trains to become blocked up and filled with other things. If the regulations also were only to be approved by the Board of Trade, with a power to recommend additions to them, if they saw fit, the absence of any regulation would still devolve responsibility upon the company, unless it was clear that the Board of Trade had disallowed it, which, of course, the Board would not do if it conduced to safety. Considerable facility would be given in making inquiries into the causes of accidents, if the officers entrusted with the duty of the investigation were more speedily than they now are at the scene of the accident. For this reason it might be beneficial to alter the Act, under which reports of accidents are made to the Board of Trade, and to require that all accidents attended with personal injury (whether serious or otherwise) to persons travelling with trains, shall be reported within 24 hours after their occurrence. Much benefit would also be derived from the publication of the reports upon accidents, in such cases as the Board might think fit, immediately after the investigation, instead of annually, in a Blue Book, as by so doing public opinion would be brought more directly to bear upon each case. If this were done, it might become necessary that a power of investigation should be vested in the Board of Trade, as the companies might not, perhaps, be so willing as they now are to assist in the investigation. If by any investigation it should appear that a line had been allowed to get into a dangerous state, or that a traffic had been induced which the company had not the means of conducting with regularity and safety, it is worthy of consideration whether the Board of Trade should not be required immediately to direct public attention to the case by a report, pointing out the necessity of closing or partially closing the line, or limiting the traffic and speed of trains, and whether the Board should not be empowered to require the necessary works to be executed, such as sidings, &c., so that the public may not be inconvenienced by the neglect of the company. This power appears, from Mr. Laing's evidence, to be desirable, so as to strengthen the hands of directors when they come before the shareholders for permission to incur expenditure of this nature. Also, if it should appear that a line had been improperly altered after its opening, the Board of Trade should have a power of requiring its restoration to its original condition, or to a satisfactory condition. If it should appear also that the company had reduced their establishment to an improper extent, or that the traffic had increased, so that the establishment were

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were insufficient, or that improper and incompetent persons were employed upon duties connected with the safety of trains, it might be attended with advantage if the Board of Trade were, in such cases, to direct public attention to the subject. It would not be competent for any public department to appoint servants, or fix the establishment of a railway, although it might frequently be competent for the Board to point out the insufficiency of the establishment to secure safety in such cases as may come under the cognizance of the Board upon inquiries into accidents or otherwise, the responsibility of maintaining that establishment in an efficient state being very properly left to the companies. One of the chief difficulties with which railway companies have to contend in the management of their lines is the detached nature of the duties of their servants, over whom, therefore, it is exceedingly difficult to maintain a proper control. At present this control is entirely left to a few superintendents and inspectors, who travel along the lines either in trains or on foot, but whose presence is generally a signal for vigilance wherever they appear. By a system of published regulations, attaching individual responsibility to particular persons for the performance of certain duties, with penalties by way of fine or imprisonment attached for the neglect of those duties, at the option of a magistrate, the public might be made to assist very materially in enforcing discipline upon railways. There is no reason why regulations may not be framed upon this principle, which appears to be in conformity with the provisions of the Companies Clauses Act; and, in fact, the Board of Trade have been already called upon to approve regulations framed upon this principle. Under the existing law companies may frame regulations, which shall be binding upon their own servants, upon the principle of individual responsibility; but where they require to frame any which shall be binding upon the public, or the servants of other companies as a portion of the public, these regulations cannot be enforced until approved by the Board of Trade. In the case of one railway company having avowed its intention of working adversely over the lines of another company not then opened, the Board of Trade, upon the reports of their inspecting officers, postponed the opening of the line from month to month, on the ground of the insufficiency of the establishment to ensure the safety of the public using the railway until the company had framed regulations which should be binding upon the servants of both companies. The company accordingly submitted regulations for the approval of the Board; these, after much consideration and a good deal of revision, finally obtained the sanction of the Board, being framed upon the principle of individual responsibility, with penalties for non-performance or neglect of duties; and the line was opened to the public, and has continued open since June 1852, without the occurrence, so far as the Board are informed, of any accident." I stated the case of the Stour Valley Railway on my former examination, therefore it is not necessary to call any further attention to it.

2590. That was under a special Act of Parliament?—No; it was the case of two opposing companies being about to run over the same line, which was not then opened for traffic. We considered that the regulations formed part of the establishment. It was questionable by law whether we had a right so to consider the regulation, but the case was treated in this way, and the opening postponed from month to month.

2591. You exercised the power of postponement for the purpose of bringing the regulations under which the line should open within your control?—Just so. I will now add a series of provisions which I have drawn up, and which I think would be serviceable in securing the public safety: "First, that all companies should be required to make returns within 24 hours of all accidents attended with personal injury (whether serious or otherwise) which may occur to persons travelling by, or accompanying trains on, their own lines, or on lines worked by them. Secondly, that there should be a power of inquiry into the causes of accidents vested in the Board of Trade. Thirdly, that reports of such inquiries into accidents should be published immediately, if the Board think proper. Fourthly, that the Board of Trade should be required to direct the attention of the public by reports to those cases where, upon inquiry, it may appear to them necessary that lines should be closed, or partially closed, or that the speed should be limited; also that the Board should have a power of ordering new works where proved to be required for purposes of safety, such as sidings, signals, removal of points, supply of watches and clocks. Fifthly, that companies should

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be obliged to submit the general regulations issued by them for the guidance of their servants, in connexion with the conduct of trains, for the approval of the Board of Trade, and that these regulations should be published at all stations. The regulations to be framed upon the principle of individual responsibility, penalty, by way of fines or imprisonment, being imposed by them for neglect, to be imposed at the discretion of magistrates. By this means the public might be made to assist in enforcing discipline, which, at present, from the small number of superintendents, and the dispersion of the servants, is very difficult of attainment. One very palpable advantage of the regulations being approved by a central board is, that the united experience of all railways would be brought to bear on each. As a general rule, the existing regulations upon railways are loosely framed, and not upon the principle of individual responsibility, as appears to have been intended by the Act 8 Vict., c. 16, and where this is the case, and the same duties are imposed on several persons, they are very commonly neglected by all. Under the head of regulations, are included directions for working signals, for determining the number of guards, the means of communicating between guards and drivers, regulating the starting of trains, the use of single lines, the protection of trains when stopped at a station, or on the line, &c. &c. Sixthly. That the Board of Trade should recommend companies to adopt such regulations as appear to them to be requisite for public safety. Seventhly. That the companies should in all cases be obliged to define the weight of train which each engine is capable of taking, and that this weight should on no account be exceeded; also, that the accommodation of each carriage should be limited. Eighthly. That no engine, other than a ballast engine or pilot engine, without a train, should proceed along a line, unless the driver has been first furnished with a time-table. Ninthly. That a register of the times of trains passing all stations should be kept by the guard and at the stations, and also by the signalmen along the line, these registers to be always produceable; and that a fine should be levied, in the discretion of magistrates, not exceeding a certain maximum, if trains are late more than a fixed time, to be proportioned to the distance travelled by the train. Say, for a train that has travelled 50 miles or under, 10 minutes; 100 miles, 15 minutes; 200 miles, or any distance exceeding 200 miles, 20 minutes. Tenthly. A power to the companies to levy a penalty upon persons who may attempt to get out of carriages before they stop would be very beneficial in reducing a number of very serious accidents. Eleventhly. The number of accidents to trespassers might also very probably be diminished by an alteration in the law respecting them, by which summonses might be taken out against them." At present they can be detained by the officers of a railway company. They must be warned off in the first instance; then, if they refuse to go, they may be detained. If there be three or four trespassers on the line, and only one policeman to attend to them, of course he cannot detain three or four, and there are cases in which magistrates have refused to grant summonses. "If the companies are unwilling to submit to such stringent regulations, such of them as the Board might think fit might very reasonably be remitted upon the adoption of measures equally efficacious, such as a series of telegraphic stations, intended, and worked solely for securing safety of trains. A perfect system might very easily be arranged by means of the telegraph, and ought, I think, to be adopted on lines of heavy traffic, where the companies find it inconvenient to specify a sufficient interval of time, to be maintained between trains following each other on the same line of way."

2592. In suggesting the enforcement of regulations by penalty on the servants, it is not your intention in any way to alter the law, which leaves the responsibility upon the company for accidents which occur on the line?—No, I should be sorry to alter that law; I believe it to be a very salutary one.

2593. In the regulations that you suggest, do you contemplate that a mode of administration should be proposed by the company, and having been approved by the Board of Trade, should become thereby a law operating upon the servants of the company, and open therefore to be enforced by the public by application to a justice, under the sanction of a penalty?—Just so.

2594. Looking at the different state of society in England and on the Continent, is it or not probable that the stringency of regulation which is observed on the Continent might not, in all respects, be applicable to this country?—Not in all cases, possibly.

2595. Nevertheless, you think that a community of action between the Com-

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pany and the Board of Trade might be established, which would accomplish much greater regularity and discipline, and much greater safety, therefore, to the public than now exists?—Certainly.

2596. And the power which now exists being limited to inspection and report, has not been effectual for promoting that necessary object, the safety of the public?—No, it has not, to any great extent.

2597. But from your experience, do you believe that that degree of efficiency might be attained to which you have been directing our attention, and yet that the relations between the governing body and the companies might be conducted with that harmony which is requisite to secure the end, namely, to maintain the discipline of the lines, and the safety of the public?—I see no reason why it should not.

2598. The mode which you suggest is not by prescribing specific regulations, but by requiring each company to draw up its own regulations, and giving to those regulations, when approved of, the force of bye-laws, to be put into execution in the manner which you have mentioned?—That is the amount of my proposition.

2599. Are there any other measures which you would propose that it should be possible absolutely to enforce upon companies?—I think, among other things, that there should be a power absolutely to enforce the orders of the Board in such cases as those contemplated in that paper, where additional siding accommodation, or additional signals, or such things are required. I also think, that with respect to the much vexed question of the communication between guards and drivers, that a provision, similar to that adopted in France, might be made compulsory upon all companies, and that it would work beneficially to the companies themselves and to the public.

2600. Has a report from you, upon the subject of that communication, been laid before Parliament?—Yes.

2601. You are prepared, therefore, to lay a copy of it before this Committee?—Yes.

Vide Appendix, No. 4.

2602. Have you received, at the Board of Trade, a copy of a report from a committee of the principal railway authorities assembled at the clearing-house, on that subject?—Yes.

Vide Appendix, No. 5.

2603. Have you a copy of that which you can put in?—Yes; this is a report by a committee of the clearing-house, who have considered the question, and they recommend the adoption of a system which has been objected to repeatedly on the part of various companies in this country when the subject has been previously urged, but which, if carried into effect, will certainly achieve the object in view; it is by placing a bell upon the tender, with a rope or cord, which is to be led along the train to a guard in the last carriage, who will, by means of a drum, on which it is coiled, have the means of ringing this bell, and so warning the driver that he wishes to call his attention; the objection which has always been raised by companies to this proposition when it has been before them on former occasions, has been the delay that will be occasioned at junctions and places where it becomes necessary either to lengthen or shorten the train.

2604. Mr. *Strutt*.] Was a suggestion of this kind made as long ago as 1847, by the Commissioners of Railways?—There have been many communications at different times on this subject, between the Commissioners of Railways and the companies, and I believe there was a communication of this sort, or something of a similar nature, made about that period, but the conclusion of this report of the committee of the clearing-house shows, I think very clearly, that some provision is necessary on the part of the Legislature, to secure the application of this means of communication on all the railways of the country. It winds up thus: "Having thus described the arrangement which the Committee think most suitable, it remains, in conclusion, to observe that, unless the plan be accepted, and applied by *all the companies* who interchange rolling stock, its purpose will be defeated." I should be afraid also, that after a time, this communication not being often used, it may fall into desuetude, unless there is some provision rendering it compulsory upon the companies.

2605. Mr. *M. Milnes*.] Is that a precaution which has been adopted by any foreign railway?—This precaution has been in use for some time on the railways in Germany and Prussia, or precautions of a similar nature.

2606. *Chairman*.] Perhaps it is within your knowledge that the members of this Committee are invited to see an experiment which is to be tried on Saturday next, on the Great Northern Railway?—I understand that the Great Northern Railway

Railway Company intend to have a train fitted up at 10 o'clock in the morning, at King's Cross station, when they will be glad to see any Member of the Committee who may wish to witness the experiment.

2607. Is it your opinion, that by the adoption of regulations not inconsistent with the freedom of action of the companies, and the ordinary practice of this country, much greater regularity of discipline and safety may be obtained?—Certainly.

2608. Mr. *M. Milnes.*] You have stated, in the beginning of your evidence, that care should be taken that the permanent way of every railway should be in an effective state; is it within your experience, or have you any reason to think that on a large number of the railroads of this country, the permanent way is deteriorated by time and wear?—Owing to the increase in the weights of engines, in order to attain a greater amount of speed, I conceive that there are several lines of railway upon which the permanent way is barely sufficient to carry these engines at the high rates of speed at which they travel, and also there are some lines of railway which have been allowed to get into, I may almost say, a shameful state of repair, and into a positively dangerous condition from neglect. I do not think it is very general, I should be sorry to think it was so, but I know there are cases of that sort, and such cases have come to the knowledge of the Board of Trade.

2609. When such cases have come to the knowledge of the Board of Trade, have any proceedings been taken in consequence?—There was a case in 1851, which was brought to the notice of the Board by a Member of Parliament, and on which occasion the Board sent an officer down to inspect the line of the railway. It was the Newcastle and Carlisle Railway. The accident had happened on the 3d of August 1851, the passenger train having left the line, and the inspecting officer reported: "I attribute the occurrence of this accident solely to the insufficiency of the permanent way to bear the heavy engines now in use upon the Newcastle and Carlisle Railway, moving at the speed which the company's time-tables require that their passenger trains should maintain * * * * It is to be hoped that the present accident will have impressed upon the directors the necessity of replacing the whole of these weak rails by others of a better description, and of doing so at once."

2610. Were those rails replaced, or any attempts made to improve that permanent way?—The company took steps at the time to improve that permanent way; but in consequence of its dangerous condition, the Commissioners of Railways, who were then the department of Government in whom was vested the supervision of railways, thought proper to inform the company that they could not approve of any of the cheap trains that were running on the railway, because the speed was such as, in the opinion of their officers, was inconsistent with safety, the speed exceeding twenty miles an hour, which he conceived as much as the trains ought to travel. They also called upon the company to reduce the speed of their other trains during the continuance of the permanent way in that bad condition. The company did not reduce the speed, but continued it. Fortunately, I believe, as far as we are aware, no accident occurred; but I felt satisfied during the whole of that time, the public were incurring very considerable risk on that railway.

2611. Do you happen to know whether any part of that permanent way has been renewed since?—I believe it has; they put on a strong force of men, and were renewing it.

2612. Is there at present any periodical revision of the permanent way of railroads by a Government authority?—No.

2613. Would you recommend such a periodical revision?—I would recommend, where it came to the knowledge of the Board of Trade, either by inquiry into accident, or any other cause, that the permanent way was in a bad condition, that they should be required to point it out to the company, and call public attention to the necessity of either partially closing the line, or reducing the speed, whichever expedient might be necessary.

2614. *Chairman.*] Or expending more of the company's money in repairing the line?—Yes.

2615. Mr. *M. Milnes.*] Why should we wait for an accident rather than have a periodical revision of the permanent way without the recurrence of an accident?—I believe it would be impossible, by means of any Government staff, to keep perpetually examining the railways, so as to secure, or be certain, that they were

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were always in a good and sound condition. The responsibility must be left on the companies. I do not see how any Government Board could take it on themselves.

2616. In the case of a permanent way being discovered to be so defective as not to admit of passing over it with trains at the generally high speed, would you recommend that the company should be compelled to diminish the speed of the trains, or so to renew the permanent way as to enable the trains to pass at the usual high speed?—What I think is, that the Board should have the power absolutely to require the company to put their works into a condition consistent with the safety of trains; but, at the same time, I think the responsibility of running trains, and the speed at which they run, should be left to the companies, the Board merely drawing public attention to the condition of the line, so that the public, if they think proper, may cease to use that line, if they can find a communication by some other road. I feel satisfied that a report of that nature would tell very much on the receipts of the company, if it was made known at the time of the occurrence.

2617. Have you reason to think that the rolling stock of the railroads in this country has been much deteriorated by time and wear, and therefore requires more renewal than has hitherto taken place?—I believe, generally speaking, the rolling stock of the companies is maintained in a proper condition. There have been on some lines occasions when the rolling stock has been allowed to get out of repair, and after a while that has been found out, and they have put the stock into a proper state of repair again; but, generally speaking, the rolling stock on railways is in fair working condition.

2618. Do you not attribute, in any degree, the present increase and frequency of railway accidents to the circumstance of the permanent way and the rolling stock having become deteriorated by wear and tear?—Some of the accidents may, no doubt, be attributed in some measure to high speeds upon an imperfect permanent way, the permanent way being out of repair, and also being deteriorated by wear. There is a case that happened the other day of a locomotive engine exploding at Manchester. I have not seen the official report, but that might have arisen from the bad condition of the engine. Those accidents are of very rare occurrence with trains when they are running; in fact the accidents to trains are very rare which arise purely from defects in the machinery of railways.

2619. Have not the accidents which have taken place on lines which have been laid down some time, been more frequent on an average than those which have taken place upon new lines?—I do not think they are. I think many accidents occur on new lines before the people have got used to the management of trains, and so on, which do not occur upon old lines.

2620. *Chairman.*] Are lines much more likely to be crowded after their traffic is fully developed than when they are first opened?—Certainly.

2621. Mr. *M. Milnes.*] Is not the repairing of the permanent way so great an operation, and demanding so large an expenditure on the part of the company, that any company would be very unwilling to enter upon it without compulsion, or as a matter of necessity?—Companies have in some cases, no doubt, in consequence of the great expense of renewing the permanent way, neglected to renew to the extent, perhaps, that they ought to have done; but the system of renewal, if companies are properly constituted, ought to be kept constantly in view, and money set aside from their revenue for that purpose, to keep up the permanent way always in a good and perfect condition.

2622. Would you recommend that, when the Board of Trade became convinced of the insecurity of any permanent way, they should have the power of closing the line until a new line was laid down?—I would not recommend that the Board should have the power of closing the line, because if they did not close the line, and an accident occurred, the responsibility would be thrown entirely upon them. I think the company having allowed their permanent way to get into a bad condition, the Board of Trade should have the right of requiring them to put it into a good condition; and, as I said before, calling the attention of the public to the condition of the permanent way, and suggesting to the company either that they should close the line, or reduce their speeds, leaving the company to act after that on their own responsibility.

2623. Do you think we must have some victims of the public as indications of these deficiencies in our railway system, and that it would be impossible by any other means to prevent it?—I do not think so. The victims who unfortunately

tunately have been sacrificed, are quite sufficient to show us the defects of the railway system. I do not think it is necessary that these accidents should go on in order that we should be aware of those defects; but if the Board of Trade had the powers which I have described, I think the public would very soon call their attention to defects in permanent ways, or any other defects. They are quite alive enough to these things, if a power was only vested in a public Board of dealing with them.

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2624. If there was a power in the Board of Trade to close a railway when they consider either that it was constantly defective, or from some other great cause of public insecurity, would not that be the strongest hold that could be given them over the company, and the strongst inducement the company could have to avoid such a catastrophe?—I may state with regard to closing a railway, that I can hardly fancy it possible that a road can get into such a bad condition, that it should be necessary to close the railway. The speed of the trains may be reduced, and the trains passed over the railway with greater caution. It is a common thing on railways for a slip to occur of such a character that if the trains were to pass at a high rate of speed, they would be certain to meet with some catastrophe; but the companies usually prescribe that the trains shall move over that space which is of a dangerous character at four or five miles an hour, from which no accident could happen, and the public still continue to use the railway, and find it a great convenience.

2625. Do you think that railway accidents are greatly attributable to the state of the atmosphere?—No; very rarely, if ever.

2626. Have you any reason to think that there is an action of the atmosphere upon the iron, or upon the machinery of railroads in general, which renders accidents in some cases almost inevitable?—No; I am not aware of any accident that can be produced by change of atmosphere, except that fog may have the effect of detaining a train a little, and therefore a collision may possibly occur.

2627. Do you think there is any action of the atmosphere on the iron itself which would render breakage more probable?—I have heard that frost makes iron much more brittle, but I do not think that such frosts as take place in this country can affect iron.

2628. *Chairman.*] You have stated, that you think the influence of the Board might promote much better and more efficacious regulations for the safety of the public; is it your opinion that the safety of the public would be promoted, or the contrary, if any degree of that pecuniary and moral responsibility which now presses on railway companies should be removed?—Certainly not.

2629. Will you put in the reports which have been received on the accidents to which your attention has been particularly directed, and the correspondence on them, so far as it has at present gone?—Yes.

2630. For the present year?—Yes.

Vide Appendix, No. 10.

Veneris, 18° *die Martii*, 1853.

MEMBERS PRESENT.

Mr. Henley.	Mr. Laffan.
Mr. Labouchere.	Mr. Strutt.
Mr. Wilson Patten.	Mr. Cardwell.
Captain Jones.	Mr. Monckton Milnes.

THE RIGHT HON. EDWARD CARDWELL IN THE CHAIR.

Robert Stephenson, Esq., a Member of The House; further Examined.

2631. *Chairman.*] IS there any observation on the subject of your former evidence that you wish to make to the Committee?—Since I gave my evidence my attention has been called to an answer which I gave to a question, which was, I believe, put by yourself, prompted by Mr. Saunders, the secretary of the Great Western Company, and in which, I believe, a little inaccuracy exists, which I am now anxious to correct. The question was, "Did you propose to obtain running power for the London and North Western over the Birmingham and Oxford, when that line was purchased by the Great Western?" In reply, I said

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said "I did not;" and I went on to state that I had always opposed running powers as inconvenient and dangerous things, and I said that the solicitors, I believed, of the North Western, were the cause of those running powers being obtained. Now, the contest really was not quite between the North Western and the Great Western at that moment; it was between a subsidiary line of the North Western, called the Buckinghamshire line, and the Great Western and their solicitors were the parties who really appear to have been instrumental in this case; but on referring back to my evidence given in the House of Lords on that particular project, and upon that particular circumstance, I find that neither the Buckinghamshire nor the London and North Western were the actual proposers of those clauses that were introduced for the purpose of hampering the Great Western. In my former answer, you will remember, I stated, that what the solicitors did I was not responsible for; they did it, no doubt, with a view of hampering the Great Western or the Birmingham and Oxford; and there I appear to have been under an erroneous impression, for the running powers were actually proposed by the Great Western Company themselves, and not by the North Western nor by the Buckinghamshire; that was certainly my strong impression, that it had been proposed for the purpose of hampering the Great Western. Now the Committee will bear in mind that the Oxford and Birmingham line was originally passed through Parliament as a narrow-gauge railway. It was afterwards purchased by the Great Western. They then sought Parliamentary powers for laying down a mixed gauge, that is, a broad gauge, from Birmingham to Oxford, for the purpose of competing with the North Western. It was during the investigation that an objection was raised by the Buckinghamshire Company, that if the broad gauge was mixed with the narrow gauge between Oxford and Birmingham, it would be tantamount to shutting up the Buckinghamshire line, they believing the mixed gauge to be, if not impracticable, at all events a dangerous and unsuitable expedient for the purpose of carrying on competition. They urged before Parliament, therefore, that this mixture of gauge was highly objectionable, and the Great Western, to get rid of that objection, proposed that they should give the Buckinghamshire line power to run over it. That must have escaped Mr. Saunders's recollection, as it had mine when the question was put the other day. Therefore, it literally arose from them, to qualify or annihilate the objection the Buckinghamshire people had to a mixed gauge to Birmingham; because the Buckingham people said, "If you grant a mixed gauge between Banbury and Birmingham, you in point of fact destroy the utility of the Buckinghamshire Railway;" therefore the Great Western proposed to introduce the running powers, in order to get rid of the objections which their antagonists urged, and which, I believe, were good objections. My attention has been called by Mr. Carter to my own examination in the House of Lords on that subject, which convinces me that my impression, when I gave the answer I gave the other day, was an erroneous one; but really at that time I was so engaged, with perhaps a hundred questions in a day almost, that I cannot accuse myself, even from this circumstance, of a very bad memory. Mr. Calvert, in the House of Lords, put the question, "On behalf of the Buckinghamshire Company I have only one question to ask you; they have caused a clause to be put into the Birmingham and Oxford Bill, ostensibly for the purpose of protecting the Buckinghamshire interests; have you seen that clause?" "I have." "I do not know whether you have the contents of it so much in your mind as to give us your opinion upon it?" "I have it in my mind." "Do you think that clause will have the effect which the parties profess, of providing protection for the interests of the Banbury and Buckinghamshire line?" "Certainly not." "Will you state your reasons?" "The company in possession of the line from Banbury to Birmingham would be in a position to enact bye-laws, and not perhaps very reasonable ones either, so as to hamper the through traffic to such an extent as to render competition, at all events, quite out of the question there." That conveys, I hope, to the mind of the Committee, that we were speaking of clauses then introduced by the Great Western, and not by the Buckinghamshire; and with regard to the mixture of the gauge on that particular line, I may add upon this occasion, for it is rather *apropos*, that being the only line sanctioned by Parliament at that time, objections of such a serious nature were made to the mixed gauge, that the Railway Commissioners were called upon to report, and they stated, or rather the Committee stated, with reference to the Report made by the Railway Commissioners on the subject of the

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the mixed gauge, "The Committee entertain the opinion that the experiment of working the mixed gauge, and the application of the mechanical details in its construction, will be much more fairly tried by the extension of the broad gauge from Fenny Compton to Birmingham (over which a very considerable traffic must always pass), than by the working of the Oxford and Rugby line alone, and especially as it was proved to the Committee probable that that line cannot be completed up to Rugby, whence the narrow-gauge traffic is to be brought over it, until after the Birmingham and Oxford Railway shall have been finished, and open for public use." The Committee, therefore, granted the mixed gauge, under the impression that it was a proper place for the experiment to be tried, on which engineers' opinions were very much divided; and, therefore, they passed the Bill giving those clauses which were asked for by the Great Western to meet the objection of the Buckinghamshire people. In the same Committee they made a quotation from the Railway Commissioners' Reports on the subject of mixed gauges to this effect, which, if the Committee will allow me, I think it desirable to read: "The motives expressed in the Commissioners' Report for recommending that 'provision should be made to ensure the fair working of the line by the company in the Act by which the mixed gauge is sanctioned,' have induced the Committee also to provide, by a clause for the public convenience, that the line shall be fairly and impartially worked, in order to accommodate and develope the traffic on both gauges; and the clause introduced for that purpose confers upon the Railway Commissioners a control to enforce the intentions of the Legislature upon that subject over the company to whom the line may belong." About the same time there was a letter on the subject of mixed gauge, which contains my views on that question at some length, and formed after great deliberation. It was addressed by the chairman of the North-Western, Mr. George Carr Glyn, to the Commissioners, I think, or to the President of the Board of Trade; and, if you will allow me, I would suggest that that should be considered by the Committee, because in the points now before them, I think the question of mixed gauge will be an important feature and I have had some experience since 1848.

(*The Witness delivers in the following Letter:*)

Sir, Euston Station, 27 July 1847.

I BEG to acknowledge the receipt of your letter of the 13th instant to the London and North Western Railway Company, enclosing a copy of the order of the House of Lords with reference to the lines of railway between London and Birmingham, and requiring any statement which the London and North Western Railway Company might wish to be considered by the Commissioners in connexion with that order. The best manner of bringing the views of the London and North Western Railway Company on the subject before the Commissioners appears to be, to recapitulate shortly the proceedings which have already taken place with reference to the gauge question. This question was first brought under the consideration of Parliament in the year 1845, by the contest which took place on the Oxford, Worcester, and Wolverhampton, and Oxford and Rugby Railway Bills. Mr. Brunel's original idea in introducing the wide gauge upon the Great Western Railway, as stated by himself in his report to the directors in 1838,* was, "that no inconvenience would result from the diversity of gauge, inasmuch as the exceptional wide gauge would be confined to the West of England, a district entirely isolated, and that no extension to the northward would be required." The rapid development of railway enterprise in the year 1845 brought with it the practical refutation of this idea. It became apparent that one great railway system could no longer be isolated from connexion with others; and, consequently, the existence and limits of the two different gauges became a question of new and serious importance. The question was first considered by the Board of Trade; and in a Report, signed by the Earl of Dalhousie and the other members of the Railway Department, they stated the following conclusion at which they had arrived: "If there is one point more fully established than another in the practice of railways, it is, that the inconvenience occasioned by a break upon a line of thorough traffic occasioned by a want of uniformity of

* "I shall now consider the subject of the width of the gauge. The question of the disadvantage of differing in point of gauge from other railways, and the consequent exclusion from communication with them, is the first. This is undoubtedly an inconvenience; it amounts to a prohibition to almost any railway running northwards from London, as they must all, more or less, depend for their supply upon other lines or districts where railways already exist, and with which they must hope to be connected. In such cases there is no alternative. The Great Western Railway, however, broke ground in an entirely new district, in which railways were unknown. At present it commands this district, and has already set forth branches which embrace nearly all that can belong to it. Such is the position of the Great Western Railway. It could have no communication with any other of the main lines; and the principal branches likely to be made were well considered, and almost formed part of the original plan; nor can these be dependent upon any other existing lines for the traffic which they will bring to the main trunk."

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of gauge is of such a serious description, as to detract most materially from the advantages of railway communication.' In the same Report the question is fully discussed at what points the break of gauge should take place, so as to occasion least inconvenience, and Bristol and Oxford are fixed upon, for very conclusive reasons, as preferable to Birmingham and Rugby, which had been suggested by the wide-gauge party. Parliament, however, having sanctioned the Oxford, Worcester, and Wolverhampton, and Oxford and Rugby Railway Bills, upon grounds (as stated by Mr. Shaw, the Chairman of the Committee of the House of Commons) irrespective of the question of gauge, that question was treated as still open, and a strong feeling having arisen that it ought to be settled, a Commission, consisting of Sir F. Smith, Professor Airey, and Professor Barlow, was appointed, in pursuance of an address to the Crown, voted by the House of Commons, in the following terms:—

"That it having been represented to this House, by petitions from various public bodies, as well as from merchants, manufacturers, and others, that serious impediments to the internal traffic of the country are likely to arise from the breaks that will occur in the railway communications from the want of a uniform gauge, and those representations not having been fully inquired into by any of the Committees of this House upon Private Bills, and it being desirable that the subject should be further investigated, an humble address be presented to Her Majesty, praying Her Majesty to be graciously pleased to issue a Commission, to inquire whether, in future private Acts for the construction of railways, provision ought to be made for securing a uniform gauge; and whether it would be expedient and practicable to take measures to bring the railways already constructed, or in progress of construction, in Great Britain, into uniformity of gauge, and to inquire whether any other mode of obviating or mitigating the apprehended evil could be adopted, and to report the same to this House." It is clear from the terms of the address, as well as from the language used at the time by Sir Robert Peel, Mr. Cobden, Sir George Clerk, and other Members who took a part in the debate on the subject, that the object in appointing the Commission was to pave the way for such general legislation on the subject as might avert the evils likely to ensue from leaving the question of the gauge to the risk of discordant decisions from the different Select Committees appointed from time to time to consider private Railway Bills. The Commission thus appointed entered into a very minute and elaborate inquiry, extending over a period of nearly six months, and embracing a personal examination of 46 witnesses, including almost every individual eminent in the railway world, either as an engineer or manufacturer of locomotive engines, a manager and superintendent, or carrier. This evidence, and the Report of the Commissioners founded upon it, are public documents, which render it superfluous on the present occasion to go into detail upon questions connected with the gauge, which have been there so fully exhausted. It may be sufficient to say that the Commissioners arrive at the same conclucion as the Board of Trade, "That a break of gauge is a very serious evil," and that none of the various modes which had been proposed for obviating or mitigating this evil was calculated to remedy, in any important degree, the inconveniences involved in any break of the gauge. They also concur with the Board of Trade, that the plan of laying down a mixed gauge by additional rails, "may be practicable under peculiar circumstances, and to a limited extent; but it is open to great objections;" and they add, that "its general adoption ought not to be permitted." Assuming, therefore, the break of gauge to be a serious evil, the Commissioners proceed to investigate the comparative merits of the existing wide and narrow gauge, and of any proposed intermediate gauge, with a view to discover how uniformity of gauge may be best attained or approached to. Upon this point, they arrive at the conclusion that, of the two existing gauges, the narrow gauge of 4 feet 8½ inches is, on the whole, preferable, *per se*, to the wide gauge of 7 feet, for the general purposes of the traffic of the country; and when to this is added the fact, that it is already established over nearly nineteenths of the railways open, or in course of construction, and that no intermediate gauge appears to offer any very clear and decided advantage, they state it as their unanimous opinion, that the prevailing narrow gauge, of 4 feet 8½ inches, ought to be declared by the Legislature to be the gauge to be used in all public railways then under construction, or thereafter to be constructed, in Great Britain; and they further state that they consider it desirable that some equitable means should be found of producing entire uniformity of gauge, by reducing the broad gauge lines to the narrow gauge. This Report was referred by the House of Commons to the Board of Trade, with a view to decide how far it should become the basis of general legislation, and the recommendations of the Board of Trade are embodied in the Minute of the 6th of June 1846. It will be seen by this Minute, that the Board of Trade fully concurred with the Commissioners in this conclusion, "that the break of gauge is a very serious evil," and also that they adopted their conclusion, that neither the general enforcement of the wide gauge, nor of the intermediate gauge, could be looked to as a practical solution of this difficulty. The only point remaining to be considered was the practicability of attaining uniformity by the conversion of the wide into the narrow gauge, and upon this point the Minute expresses an opinion, that the companies interested in the lines constructed, or authorised to be constructed on the wide gauge, had acquired such a vested right in its adoption as could not equitably be interfered with. Accordingly their Lordships go on to state, "that assuming that an absolute uniformity of gauge cannot be obtained, they feel that the only practicable course to be pursued is to endeavour to effect such a settlement of the gauges to be used in the several railways already sanctioned, and to lay down such general regulations for the future, as will prevent the increase and further extension of an evil they cannot altogether remedy, and will reduce the inconvenience inflicted on the passenger and goods traffic of the country within the narrowest attainable limits." The above Minute having been brought under the consideration of both Houses of Parliament, the following resolutions

resolutions were passed unanimously, embodying the recommendations of the Board of Trade: "First, that it is the opinion of this House, that no line of railway should hereafter be formed on any other than the 4 feet 8 ½ inches gauge, excepting lines to the south of the existing line from London to Bristol, and excepting small branches of a few miles in length in immediate connexion with the Great Western and South Wales Railways; but that no such line as above excepted should be sanctioned by Parliament unless a special report should have been made by the Committee on the Bill, setting forth the reasons which have led the Committee to advise that such a line should be formed on any other than the 4 feet 8 ½ inches gauge. Secondly, that it is the opinion of this House, that provision should be made by law to prevent the directors of any railway company from altering the gauge of such railway. Thirdly, that in order to complete the general chain of narrow gauge communication from the north of England to the southern coast, and to the port of Bristol, any suitable measures should be promoted to form a narrow-gauge link from Gloucester to Bristol, and also from Oxford to Basingstoke, or by any shorter route connecting the proposed Rugby and Oxford line with the South Western Railway, without prejudice, however, to the formation of any other line also connecting, upon a uniform gauge, and by a direct route, the north of England with the southern coast. Fourthly, that it is the opinion of this House, that it is expedient that the South Wales line, and its branches to the Monmouth and Hereford, should be formed on the broad gauge. Fifthly, that it is the opinion of this House, that it is not expedient to alter the provisions of the Acts for forming a line of railway from Rugby to Oxford, and for forming a line of railway from Oxford to Worcester and Wolverhampton, with respect to the gauge on which they may be formed, or with respect to the power therein conferred on the Board of Trade." The Act of the 9 & 10 Vict., c. 57, for regulating the gauge of railways, was introduced by the Government, and passed in the same session, for the avowed object of giving legal effect to the above resolutions. It was clearly stated at the time by Lord Dalhousie, and by Lord Clarendon, who succeeded him as President of the Board of Trade, that the object of the Act was to effect a final settlement of the gauge question, by carrying out, *verbatim et literatim*, the resolutions which had been agreed to by both Houses of Parliament, on the recommendation of the Gauge Commissioners' Report, and of the Minute of the Board of Trade. Notwithstanding the avowed intention, however, that the Gauge Act should be a final settlement, it has been since discovered that, owing to a slight variation between the wording of the second section of the Act and of the first resolution upon which it professed to be founded, that intention is practically evaded. The resolution rendered it imperative that all future lines should be on the narrow gauge, with the exception of lines to the south of the existing Great Western Railway, and small branches, of a few miles in length, in immediate connexion with that and the South Wales Railway, with regard to which excepted lines it should be competent for the Committee on the Bill to make a special Report, recommending the adoption of the wide gauge. The second section of the Gauge Act extends the exception to all railways "constructed under the provisions of any present or future Act, containing any special enactment defining the gauge or gauges of such railway." The construction put upon these words by several Committees of the present Session has been, that it was left open to them to report upon the proposed gauge of any line submitted for their consideration, in the same manner as upon any other point involved in the general merits of the undertaking. In other words, instead of treating the question of gauge as one of national or general consideration, to be settled by general legislation, as had been recommended by the Gauge Commissioners and the Board of Trade, and adopted by the resolutions of both Houses of Parliament, the effect of the Gauge Act, as thus construed, is to revert to the very system which had been so strongly condemned, of leaving the question of gauge, like any other question of merely local interest, to the chance of contradictory decisions from the different Committees to which Bills for the construction of new railways might be from time to time referred. The effect of this construction, moreover, is to render the Gauge Act a complete nullity, since it is construed merely to declare, that the Committee on the Bill in each case shall include the question of gauge as an element of their consideration, which, as a matter of course, they must have done equally if no Gauge Commission had ever been appointed, and if no Gauge Act had ever been passed. The London and North Western Company feel it essential to advert thus shortly to the history of what has taken place on the subject of the gauge, inasmuch as they believe that the Commissioners will find the most incontrovertible evidence that the question now referred to them has, in fact, already been decided after the fullest consideration, by the Government and by Parliament, and that the present reference could never have arisen if their clearly expressed intentions had not been frustrated by the construction put upon a portion of the second clause of the Gauge Act, as above pointed out. Accordingly, the London and North Western Railway Company are prepared respectfully to submit, that the proper mode of dealing with the question would be to amend the Gauge Act so as to make it carry out the intention of the resolutions. In fact, it appears evident that the question involved in the present reference to the Railway Commissioners, is the same as that which has been already considered and decided by the Board of Trade and by the Gauge Commissioners, and also by the resolutions of both Houses of Parliament. The present reference is limited in its terms to a consideration of the propriety of extending the wide gauge to Birmingham; but this very point formed a most important element of the former inquiries, and involves precisely the same arguments as were then adduced. The main argument for permitting an extension of the wide gauge has always been, that it would introduce competition in the most effective form with the existing narrow gauge system, and Birmingham has always been the point immediately in view by the advocates of the

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the wide gauge. The reports of the Gauge Commissioners and of the Board of Trade show clearly that they have not overlooked the benefits to the public which might be supposed to result from the extension of competition between two different systems of gauge throughout the kingdom; but they have balanced these supposed advantages against the certain disadvantages of extending and perpetuating the evils of a break of gauge, or mixture of the gauges; and the result has been, that in every instance in which the attention of a competent and impartial tribunal has been directed to the subject, a decided preponderance has been given, on public grounds, to the system which preserves uniformity of gauge. Doubtless, if the inconvenience of a break of gauge had been as slight as it was originally represented by the advocates of the Great Western system, the balance of advantage might, in many cases, have preponderated in favour of leaving the question of gauge, like other questions connected with the practical management of railways, to the discretion of the parties interested, and the rivalry of the respective engineers; but if the fact be once established, that the break of gauge is such a serious evil that it becomes, as stated by the minute of the Board of Trade, a matter of national importance "to prevent its increase and extension, to reduce the inconvenience inflicted by it within the narrowest possible limits," any proposal to extend the wide gauge assumes a very different aspect. It is surely not too much to say, that a very urgent case of public necessity ought to be established, before any relaxation is permitted of the rule which the Gauge Commissioners and the Board of Trade, acting upon public grounds, and upon public grounds alone, laid down as the mode of arresting a serious evil. This rule, as has been already shown, was not to permit the extension of the exceptional gauge into narrow gauge districts, for a single inch beyond the limits in which it had at the date of the settlement acquired a vested right. The sole difference between the minute of the Board of Trade, and the report of the Gauge Commissioners, was, that the former recognised such a vested right in the Oxford and Rugby, Oxford, Worcester and Wolverhampton, and other lines which had been passed as broad gauge lines in the preceding session. If the Board of Trade had felt that Parliament was at liberty to deal as it pleased with these lines, it is evident, from the whole tenor of the minute, that its recommendations would have coincided with those of the Gauge Commission; and that the Gauge Act would have contained a simple enactment that all railways in course of construction, and thereafter to be constructed, should be on the national narrow gauge. Where Parliament was thus free to deal with projected lines, this rule was rigidly adhered to, as appeared by the case of the Birmingham and Oxford Railway, and the Stratford branch of the Oxford, Worcester and Wolverhampton Railway, both of which were retained by the Board of Trade and by Parliament in the common category of narrow gauge lines, although it was strongly urged by the parties then promoting them, that they ought, owing to peculiar circumstances, to be included in the excepted list of railways upon which the wide gauge might be permitted.

It is clear, therefore, that Parliament, in the very same Session in which it may be supposed to have recognised the necessity for a second line to Birmingham (though through a new and unsupplied country), by sanctioning the Birmingham and Oxford Railway, deliberately refused to allow that line to be constructed on the wide gauge. The same arguments were urged then as now, viz., that Parliament having, as alleged, sanctioned a second line to Birmingham in the Great Western interest, with a view to competition, it was essential, in order to give full effect to that competition, to allow the wide gauge, which was already sanctioned from London to Fenny Compton, to be extended over the remaining space of thirty-three miles from Fenny Compton to Birmingham. The answer was the same, viz., that any possible advantage that might result from sharpening the edge of competition by the extension of the wide gauge to Birmingham, would be far too dearly purchased by the certain disadvantage of breaking through the only rule by which it could be hoped to arrest and confine within the existing limits, the evils necessarily attendant on a break of gauge.

The Board of Trade, the Gauge Commissioners, and, finally, the House of Commons, where the subject was fully discussed in the Session of 1846, on a motion to introduce a clause in the Birmingham and Oxford Act, to authorise the broad gauge, decided in favour of the latter view, and refused to allow the wide gauge to be laid beyond Fenny Compton.

Has anything occurred since last year to weaken the grounds of this decision? On the contrary, the London and North Western Company respectfully submit that everything that has since occurred has tended to confirm them.

The evils of a break of gauge have become generally recognised, and the truth of the conclusions arrived at on this subject by the Gauge Commissioners, and by the Board of Trade, has been universally admitted in the course of the present Session, even by the witnesses called in support of the schemes of the Great Western Railway Company.

The different schemes so confidently urged as a means of obviating these evils by transhipment, and otherwise, have been abandoned, and are no longer heard of; no step has yet been taken to confirm by experience the working of the mixed gauge system; and, for the reasons stated in Mr. Stephenson's report (which is already in the hands of the Commissioners), there is every ground to suppose that it will be found practically inapplicable.

The different railway projects which have been proposed by the Great Western Railway Company, show clearly that their object is to reverse altogether the decision of the Gauge Commission and the Board of Trade, and to carry out the views then unsuccessfully advocated by them, of extending, under the pretence of competition, a concurrent wide gauge system throughout the principal districts now occupied by the narrow gauge; and that the extension to Birmingham is valued mainly as a first step towards these ulterior designs.

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The example of the Coventry, Banbury and Oxford Railway also shows clearly, that even if the Great Western Company were to abandon these designs, the extension of the wide gauge to a great central point like Birmingham would have the inevitable effect of bringing out, whenever the money market was easy, a swarm of speculative schemes for extending the wide gauge in every direction; in fact, it is abundantly evident to every practical man acquainted with the modes and motives of getting up railway projects, and with the course of private Parliamentary legislation, that if the present construction of the Gauge Act be maintained, which leaves the decision of the gauge in each separate case to the Committee on the Bill, and if an example be once set of sanctioning an extension of the wide gauge northwards beyond its existing limits, the inevitable result must be, that the evils so strongly deprecated by the Gauge Commission and the Board of Trade must ensue, of the indefinite extension of the diversity of gauge throughout the kingdom, involving in many cases the needless outlay of two capitals to construct duplicate systems of line, when one would have sufficed.

If it be said that these evils may be avoided by laying down the mixed gauge to Birmingham, and so escaping any additional break of gauge, the reply is, that the evils of extending the mixed gauge system are little, if at all, less than those of a break of gauge. Mr. Stephenson's report on this subject is confidently appealed to as exhausting the question in a mechanical and engineering point of view, and establishing conclusively the existence of serious difficulties in the way of working the mixed gauge system with safety and economy; and, at any rate, until these objections are answered by an appeal to experience, it would appear obviously premature to sanction any departure from the settlement of the gauge resolutions, founded upon the assumption of the success of the mixed gauge system; and, while experience seems to confirm the arguments which prevailed last year, against allowing any further extension of the evils of break of gauge, it has weakened the grounds which were then urged in favour of permitting the advance of the wide gauge to Birmingham.

The main ground then assigned was the insufficiency of the existing London and North Western Railway to accommodate the traffic, and the necessity of a competing line to keep it in check.

This insufficiency has been shown to have resulted mainly from the impossibility of procuring, at a short notice, adequate engine power to meet the enormous increase of traffic suddenly thrown on the line by the great reductions of the tariff, and it is now fully remedied. Moreover, lines have been sanctioned by Parliament which will have the effect of relieving the main line of the London and North Western Railway of a great portion of its traffic. The Birmingham and Oxford line itself will have this effect; and in connexion with the Buckinghamshire Railway from Tring to Banbury, and the small portion of the Oxford and Rugby Railway between Fenny Compton and Banbury, will form a complete or second line between Birmingham and Tring, while it will at the same time give a third line between Birmingham and London, by way of Oxford; another loop has been sanctioned from Watford, through St. Alban's and Dunstable, to Leighton Buzzard, and the London and North Western Company are now preparing to lay down four additional lines of rails from London to Watford, and propose to extend that system to Tring.

A complete system of second railway will therefore be available between London and Birmingham, independently of any competition by way of Oxford, and by a shorter route; while, on the other hand, the Oxford, Worcester and Wolverhampton, the Trent Valley, the Manchester, Matlock and Midlands, the Leicester and Bedford, and a variety of other lines which have received the sanction of Parliament, will afford alternative routes for the traffic, which is now concentrated upon the single line of the London and North Western Railway.

The only point therefore that remains is, that of competition. Upon the general principle of competition, as applicable to railways, it would be superfluous to enlarge. The Commissioners are no doubt fully aware of all the arguments and evidence which have been adduced upon it before the different Select Committees, by whom the subject has been investigated. It only remains for the London and North Western Company to add, that subsequent experience has not tended in any degree to modify the conclusions at which Mr. Gladstone's Committee and the Board of Trade arrived, respecting the inapplicability of the ordinary maxims of competition to the case of railways, when the competition is necessarily confined to two, or at most three, parties. On the contrary, it may be asserted, without fear of contradiction, that experience has tended to confirm the truth of the maxim, "that when combination is possible competition is impossible." It may be sufficient to refer to one very remarkable recent instance, that of the Direct Portsmouth Railway, sanctioned in 1846 as a competing line against the Brighton and South Western Companies, and which has since become the joint property of those very companies. It may be asserted also, equally without fear of contradiction, that while experience has failed to furnish any instance of permanent benefit to the public accruing from competition, it has furnished, and more especially during the last 12 months, many signal instances of benefit resulting from the union of extensive systems under one management, subject to proper Parliamentary regulations and control.

The London and North Western Company fully believe that, under the regulations which have been imposed in their case by Parliament, securing a tariff on the lowest rates hitherto established, and giving the Commissioners complete power of supervision and revisal in all matters of public convenience, the permanent interest of the public would have been better secured by allowing one company to complete the means of communication between

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London and Birmingham by the construction of a second line, so as to admit of all the advantages of unity of management and classification of traffic, and progressive diminution of charge to the public, with increase of receipts and diminution of expenditure, than they ever could have been by any other system. However, if Parliament thinks that the experiment of competition should be tried between London and Birmingham, it is not for the London and North Western Company to object; all they contend for is, that the competition should take place under the condition prescribed by the Gauge Act, and by the original Birmingham and Oxford Act (under which the Great Western Railway Company took their present powers of running over the Birmingham and Oxford line, of which nothing can ever deprive them), and that it should not be made a plea for sanctioning the extension of the wide gauge to Birmingham, whereby two serious evils would be inflicted upon the London and North Western Railway Company; viz.:—

1st. The constant risk, expense, and annoyance of having to combat speculative schemes called into existence by the presence of the wide gauge at Birmingham, and by the assurance that the Gauge Act was practically a dead letter.

2d. The virtual exclusion of their traffic (which would be the result of mixing the gauges) from the concurrent use of the Birmingham and Oxford Line, in connexion with their Buckinghamshire lines and duplicate line from London to Tring, thereby rendering those lines comparatively useless, and denying to the London and North Western Company the means of affording to the public the best accommodation, while it exposed them to competition. As matters stand at present, the Birmingham and Oxford is an independent narrow gauge railway, over which the fullest and freest right of running, upon terms and under regulations to be fixed by the Commissioners, are secured to the Great Western Railway Company by a clause in the original Act, which enables them, under any circumstances, to use it for any purposes they please in connexion with their Oxford and Rugby Line. There is no peculiar hardship upon them in the circumstance of this line being, in conformity with the general provisions of the gauge resolutions, a narrow gauge line. They accepted the Bill subject to those conditions, and they have not attempted in the present Session to induce any Committee of Parliament to relieve them from such conditions.

Mr. Brunel has stated in evidence that the Great Western Railway Company are already owners of so many miles of narrow gauge railway that, beyond all question, they will, for their own interest, provide a narrow gauge establishment and work it efficiently. Upon the very line in question by which they propose to compete between London and Birmingham, 66 miles out of 129 are already narrow gauge. From Birmingham to Fenny Compton is narrow gauge only under existing Acts; from Fenny Compton to Oxford positive provision is made that the narrow gauge shall be laid down, and the laying of the wide gauge is optional; from Oxford to Reading the Great Western Company are pledged to lay down a narrow gauge communication, for the purpose of completing an unbroken narrow gauge communication between the North and Southampton, that being also one of the main objects for which the Birmingham and Oxford Railway was sanctioned; so that the 35 miles between London and Reading is the only portion of the route which is exclusively wide gauge. If the Great Western Railway Company really intend to carry on a serious and permanent competition with the midland and northern counties, and if Parliament is of opinion that such a competition would be conducive to public interests, the object can be fully attained without incurring any of the evils of extending mixed gauge or diversity of gauge, by the simple expedient of completing a narrow gauge communication between London and Reading. If Mr. Brunel's views of the practicability of mixing the gauges are correct, the expense of this would be trifling; but even if, according to the views believed to be correct, it was found necessary to lay down the narrow gauge independently, the expense would be very much less than would be involved by the opposite alternative of making all extensions northwards from Oxford on the double gauge.

After the Report of the Gauge Commissioners, it will hardly be contended that there are any such intrinsic advantages in one gauge over the other, as to prevent any competition which might exist with the one from being equally effective with the other, especially in a case like the present, where the argument for competition has been based mainly on the necessity of relieving the best and most direct line from a portion of its heavy goods traffic. If, notwithstanding the existence of a second alternative line more direct by way of Banbury and Tring, the Oxford route could under any circumstances maintain an effective and lasting competition for goods (and for passengers it will hardly be contended that competition with the existing direct line, at the existing low rates, is required or could be maintained), it could assuredly do so equally well with an unbroken communication on the narrow gauge.

However, this is rather a question for the Great Western Company. If transhipment can be effected at Oxford or Reading, as Mr. Brunel and Mr. Saunders have repeatedly stated in evidence, at a cost and with a delay quite inappreciable, perfect competition may exist without any alteration of the present gauges. If these gentlemen are mistaken, and transhipment is found a serious impediment, it does not follow that the settlement of the Gauge Act must be set aside in order to carry competition to Birmingham, since this object may be attained at a much less sacrifice by adding the narrow over 35 miles of railway.

The above observations apply equally to any proposal to carry the wide gauge solely, or the mixed gauge, north of Fenny Compton. For the reasons stated in Mr. Stephenson's Report, the London and North Western Company believe that the mixed gauge would be found so unsafe and inconvenient, as practically to render the Birmingham and Oxford line,

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in the event of its being adopted, almost as useless for the purposes of narrow gauge traffic as if the wide gauge only had been enforced.

Consequently their main object would be equally defeated of being able to use it concurrently with the Great Western Company, as an alternative line in connexion with the Buckinghamshire Railway, an object in which the interests of the public appear to coincide with their own, since the alternative line thus afforded is the best and most direct second line between London and Birmingham.

It only remains for the London and North Western Company to recapitulate briefly the conclusions which they have been desirous of submitting to the Commissioners in the foregoing statement.

They submit that the resolutions of the two Houses of Parliament, unanimously adopted in accordance with the recommendations of the minute of the Board of Trade on the Report of the Gauge Commissioners, embody what ought to be considered, on grounds of public policy, a final and conclusive settlement of the gauge question, as regards any extensions of the exceptional gauge to the north of the limits there defined.

That the Gauge Act ought to be amended so as to give clearer effect to these resolutions, in accordance with the avowed intentions of its promoters, and of Parliament.

That the interests of the public, in regard to traffic between London and Birmingham, will be sufficiently secured consistently with the above settlement in regard to gauge, by maintaining the Birmingham and Oxford as an independent narrow gauge line, over which traffic may be sent either by the Great Western Company *viâ* Oxford, or in connexion with the Buckinghamshire and London and North Western Railways.

I have, &c.

To Captain Harness, R.E., Office of Commissioners of Railways.

(signed) *George Carr Glyn*, Chairman.

This letter was written in 1847. I have had some years since then to consider the question, and I believe that, as the mixed gauge extends in the country, accidents will be more and more numerous. They are unfortunately too numerous just now, owing, I believe, to the remarkably wet season we have had lately; for we have not had such a season of rain, I believe, since the introduction of railways into this country. To that must be attributed, in my opinion, a great many of the unfortunate accidents that have occurred recently.

2632. Mr. *Henley*.] Have any accidents to your knowledge occurred in consequence of the mixed gauge?—None; there is in fact no mixed gauge.

(*See "Observations," by Mr. Saunders, on Mr. Stephenson's Evidence, Appendix No.* 11, *pp.* 243–246).

Captain *J. L. A. Simmons*, called in; and further Examined.

2633. *Chairman*.] IN reference to what you told us yesterday about the bye-laws and regulations which you thought might be enforced upon the companies, have you prepared a paper to show how small a propotion of the servants of the companies discharge that kind of business to which these regulations for safety ought to apply, and therefore how very limited a number of persons would fall under the penalties and regulations?—Yes; there is a return just completed, and which will be laid on the table of the House to-day, of the number of persons who were employed on the railways open for traffic in the United Kingdom on the 30th of June last. I have made some extracts from the results of that return, and I find that the total number of persons employed on that day were 67,753; they were employed on 70,075½ miles of railways in England, Ireland, and Scotland, and at 2,230 stations; of these there are 51,549, either secretaries or managers, directors, storekeepers, accountants or cashiers, draughtsmen, clerks, artificers, porters or messengers, platelayers, labourers, and a few miscellaneous; therefore it may be considered with respect to those 51,549, that their duties are connected with traffic and accounts, and therefore not immediately with the safety of trains. I find that there are 1,974 persons employed as engineers, superintendents, inspectors or time-keepers, and foremen; and therefore that may be considered as the staff, who are entrusted with the supervision of the railways. I find also that there are 6,964 persons who are either station-masters, switchmen, gate-keepers, police or watchmen, and who, therefore, have stationary duties upon the different lines of railway connected with the safety of trains. I find also there are 7,114 persons either engine-drivers, assistant engine-drivers or firemen, guards or breaksmen, whose duties therefore are connected with the safety of trains, and who move about with those trains; giving as a total 51,549 servants whose duties are not connected with the trains, and 16,052 only whose duties are connected with the trains, and who, therefore, may be considered as parties to whom at that time such bye-laws would have applied.

2634. The law of Scotland, you are aware, differs from the law of England in

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in regard to the means that are resorted to for bringing offenders to justice; have you, in your experience as secretary of the Railway Department, had reason to judge whether the Scotch law or the English law is more efficacious for securing the safety of the public upon the railways?—From what I have heard since I have been in the Railway Department, I am led to believe that the Scotch law is very much more efficacious than the English law. I have attended a great many inquiries in England before coroners as to the causes of accidents, and it has been a source of regret with me that those inquiries are conducted in the manner in which they are, before jurymen who know very little about railways, and the proper method of working them; in many instances, the coroners are equally ignorant of the subject they have under consideration.

2635. Has your attention been called to a paper which appeared in the "Times" newspaper, and which, having received the approval of the Lord Justice Clerk of Scotland, was by him sent to me for consideration?—Yes.

2636. Have you that paper?—I have that paper here; and perhaps I had better read some extracts from it: "The remarkable fact as to the railway accidents in England is, that no investigations have succeeded in preventing the number of accidents, or in producing on any line greater attention. In Scotland persons are tried for culpable or reckless neglect of duty, by which the lives of the subjects are endangered, or any passengers injured; and the trials have produced great benefit in increased attention to the safety of the passengers. In Scotland the public prosecutor has powers and means of investigation of the most unlimited kind, by the magistrate compelling the production of every book and document which is necessary to see with whom blame lies. In the case of a death in 1845, the superintendent of one Scotch railway was tried and convicted, and severely punished, as well as the engine-driver; the one for coming out, and the other for going on, with an engine known to both to be insufficient, and which the books proved had been treated as such for some time. In that case the representations of the superintendent to the directors as to the insufficiency of many of the engines were recorded and produced; and the directors were warned by the Lord Advocate and the Bench, that if another accident occurred from that cause, they would be tried criminally. The effect on that line has been most marked and decided, in the additional number and improved character of the engines." "The devolution on the same person of duties often, in the hurry, incompatible, or, at least, which cannot all be performed within the time required, such as pointsman and signalman. Owing to the neglect of the duty which the safety of the public prescribes the superintendent and directors of one Scotch railway were warned by the Bench, that if a similar accident occurred on a day of extra trains, overcrowded from the attraction of cattle shows, they would be held as bound to provide adequately for such emergencies. The chairman loudly complained, at a public meeting of the company, of the notion that either superintendent or directors would be held so responsible, and, by that public complaint, fortunately gave additional publicity to the warning as to their culpability, which none doubted would be acted upon if such a case again occurred." "It may safely be affirmed that very few railway accidents have occurred in which, to the conviction of those understanding the subject, neglect of one kind or other was not the cause of the disaster. In some cases the blame may be divided; in others, the cause apparent to those conversant with the subject is not followed up, and the attention directed in such investigations as go at coroners' inquests to something else. But no one accustomed to attend to the investigation of such cases in judicial inquiries, and who knows the duties incumbent on the different parties, can fail to trace nearly every case to neglect. That consideration adds immensely to the importance of holding every one most strictly and penally responsible for the neglect of his particular duties. The cases which have occurred in England, in which the difficulty was to find out who was to blame, show how important it is to make particular persons distinctly and primarily responsible for particular acts and precautions by which accidents may be prevented. Again, the absence of all proper regulation and management, on occasions when extra provisions, increased attendance, and greater precautions are required, and the accidents thereby caused, show also how necessary it is to enforce the duty incumbent on general managers and directors to make suitable arrangements for extraordinary occasions." "The directors limiting themselves to accounts, money transactions, &c., wholly misunderstand and practically neglect the most important part of what is clearly their legal duty. They undertake

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to perform the duty and contract and obligation of the company, which is to carry safely. They ought, in one way or another, to perform that duty; notoriously they never do. They are a set of men living in different parts of the kingdom; London directors managing Scotch railways; Edinburgh and Glasgow directors managing English railways, meeting occasionally during the year; but to the right, careful, and daily performance of the duty of carrying passengers safely, it is notorious no constant personal superintendence and charge is given by them. They are above the work, or believe, most erroneously, that it is no part of their proper and personal duty. They are much mistaken. For that duty they are responsible. They seem to look to the money interests of the company, not to their obligations, equally undertaken by the acceptance of the office of directors, towards the public, for the safety of passengers. Probably such obligations would be best performed by one paid, bound to be constantly on the line to arrange and provide for all extra trains, and to see to the provisions for crowded days (excursion trains), keeping all to their duty, and bound to give them the aids they require on particular occasions; to see that the superintendents are also moving about, and that they do their duty. As it is, it is not believed that in almost any instance the directors (paid too in most cases) ever take any direction and superintendence of the line, or make adequate provision, as they are bound to do, by themselves or others, for extraordinary work, which for profit they undertake, at particular times. They have been warned in Scotland, that if that duty is not done for them adequately by their officers, they must do it, or be criminally responsible. They are the carriers; they manage the company, not their officers. They undertake to perform the practical duty of carrying passengers safely; they must attend to its performance; they must do their best to have it well and sufficiently done; they must address themselves to that duty, else they are culpable; to provide and receive and distribute funds is not their only duty. Yet they seem to be quite insensible to the obligations which their offices import. In Scotland, if cases such as that of Cowlairs again occur, there can be no doubt, from what was declared from the Bench, that they will find that for the neglect of that duty they will be responsible to the criminal justice of the country. But every consideration points to the importance and utility, for their own sake, for the interests of the company and of the public, of that branch of their duty being specially devolved on a paid director, having the full authority of the Board, but charged directly with the responsibility for the daily management and direction of the carriage of passengers, and so interested in the vigilant performance by the superintendents of the lines of their duties under him, who ought never to be left, as now, the sole and supreme director of this department, practically under no daily control, and thus sliding into indolent and careless inattention. A great railway director has said that the view to be taken of the conveyance of passengers is that of a bale of goods. Be it so. But safe and speedy delivery of man, as of the bale, is the duty undertaken by the carriers, the directors, the only difference being that, as life and safety of man are involved in the one case, criminal liability follows on neglect, but not in the other."

2637. Mr. *Henley.*] Has justice, in your knowledge and experience in England, frequently failed in the investigations which have taken place consequent upon accidents?—I think that has been frequently the case.

2638. In your judgment, would it be more likely to produce a result which would be satisfactory to the public if the prosecutions were undertaken on the part of the Government?—Certainly, if they were undertaken by some public prosecutor.

2639. At present, parties conducting the prosecutions are frequently in entire ignorance of the representations that may have been made to the Board of Trade previously, with regard to particular circumstances connected with the management of the railway?—Quite so.

2640. It may happen, may it not, that the neglect of those recommendations has been the cause of the accident?—It may so happen, and I have no doubt that it has so happened before now.

2641. I think that when you were examined the other day with reference to the late fatal accident at Oxford, you named the station-master as being, in your judgment, the party in fault?—I stated that the general management of the railway was at fault in that case; the regulations were defective.

2642. The coroner's jury came to the conclusion, did they not, that another

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person was to blame?—Yes; they brought in a verdict of manslaughter against the guard, who, I understand, has since been acquitted.

2643. The grand jury ignored the Bill, did they not?—I believe so.

2644. In your judgment, if that inquiry had been conducted by an officer of the Government properly instructed, do you think it likely that he might have instituted proceedings against any other parties?—I think it is very possible, taking the view of the law as stated in the extracts I have just read, that a prosecution might have been instituted against other parties, certainly not against the guard, who I believe to have been perfectly innocent of having caused that accident, as far as I have been able to understand the evidence, and the report of our inspecting officer.

2645. Then to enable any prosecutor to lay before the court those circumstances which would put it in the power of the court to come to a conclusion whether the parties had or had not been guilty of criminal neglect, it would be necessary that he should have full cognizance of all that had passed on previous occasions between the Board of Trade and these parties with regard to warning as to defective management and so on?—Certainly.

2646. Without that the court would not have the opportunity of doing justice in the case?—Certainly not, I should think.

2647. Is it your opinion that the criminal law hanging over persons' heads, if administered in that way, and likely to be brought home to parties doing wrong, would have a strong effect in making them diligent?—I have no doubt it would have a very marked effect in making railway travelling much more safe than it is at present.

2648. That would be one element that, in your judgment, ought to be attended to with regard to the safety of the public?—Quite so.

2649. Mr. *Laffan.*] Do you remember an investigation which took place at Preston Brook, with reference to an accident that occurred there on the occasion of the Chester races, two years ago?—Yes; on the Birkenhead and Cheshire Junction.

2650. Do you remember that on that occasion it was clearly proved that great neglect of precaution had been allowed to take place upon that railway; that there was a total want of supervision; that the servants of the company had no instructions whatever as to watching the traffic; and that the officer whose proper duty it was to have superintended the extra precautions required upon the occasion had been dismissed from his employment six weeks before, and the directors had appointed nobody in his place, and had given no directions for doing anything which might be requisite for the public safety;—do you remember that all this was proved, and that it was clearly brought home to the directors that they were responsible for it, and that they had neglected their duty, and yet in the coroner's charge to the jury it was stated that the directors, in their directorial capacity, were not amenable to a criminal trial?—I remember all the facts you state with regard to the accident very clearly, and I believe you have stated them quite correctly. I cannot speak positively as to the charge of the coroner, but there was no verdict brought in against the directors. I remember that perfectly, and I believe that, in point of fact, no such thing has occurred in this country.

2651. *Chairman.*] Then, I understand you to mean that, in your opinion, a more direct personal responsibility, either for the commission of things which tend to accidents, or the omission of things which, if properly attended to, would prevent accidents, is the true remedy for the mismanagement of railways?—I think it is one remedy; I do not think it should supersede the others which I pointed out yesterday. I think, however, that it would be a very important matter to add to those regulations.

2652. In short, you think it the chief thing?—One of the chief things.

2653. Mr. *Milnes.*] Do you think that any heavy mulct can affect such bodies as the railway companies?—The penalties that are paid by railway companies in the shape of compensation to injured persons are very heavy. I have known or heard of cases in which they have amounted to as much as 20,000*l.* for a single accident, and that, no doubt, is a very heavy penalty; but although it may be the cause of discontent on the part of the shareholders at a half-yearly meeting, if brought under their notice, I do not think it touches the pockets much of those who have the management of the railway, because it is divided among such a large

large number of persons that it does not come home to them, and has not the same effect as a criminal prosecution.

2654. When we see the lavish use of money in Parliamentary contests, and other objects, which railway companies consider desirable, does it not appear to be almost impossible to impose upon these companies any money fines which will be effectual?—The principal solicitude is caused by the apprehension of remarks which may be made at the half-yearly meetings. I do not think that the fines are of much consequence, looking upon them as fines.

2655. Mr. *Henley.*] You think that the apprehension of 12 months' imprisonment, to say nothing of transportation for life for manslaughter, might sharpen men's wits somewhat more than the risk of damages being recovered against a company possessed of 30 millions?—No doubt of it.

2656. *Chairman.*] Are you prepared with the correspondence which has passed upon the subject of the accidents which you mentioned yesterday?—It shall be handed in.

Vide Appendix.

2657. Have you any other observation or suggestion to make to the Committee?—There is one other point to which I should like to draw the attention of the Committee. I was speaking yesterday of the permanent way of different railways having been allowed to get in an improper condition. Perhaps you will allow me to read an extract from the report of one of the inspecting officers, as to the state of an important metropolitan line: "In the 310 yards over which the engine passed in the present instance, after the tire of the leading wheel had given way, the rails were found to be of the following lengths: 29 rails, 15 feet long, with four bearings to each rail; the length of the bearings next the joints being 5′ 5″; three rails, 12 feet long, with four bearings; 44 rails, 10 feet long, with two sleepers only to each rail; one rail eight feet long. It will, I think, at once appear evident that this permanent way is insufficient for the heavy engines and high speed now in use. At the time this rail was laid, the engines in use weighed 14 tons, and the speed was 30 miles an hour, whereas at present the express engines weigh 24 tons, and the speed is upwards of 45 miles an hour. The continuing to use this permanent way subjects the passengers on the railway to unnecessary risk, and exposes the company to great losses, and to an unnecessary annual expenditure in the wear and tear of their engines and rolling stock." That report was forwarded to the company; the very great responsibility which rests upon the directors, was pointed out to them, and the Board expressed their wish to be informed of the steps that might be taken with respect to this portion of the road; but the report has been treated with silence, so far as I am aware, ever since.

2658. *Chairman.*] What was the date of that report?—April 1852.

2659. Mr. *Milnes.*] It is stated in that report that the condition of the permanent way was such, that it was unfit for heavy engines, and at a rapid pace; do you not think that when a permanent way is in such a condition it is unfit for any engine of any weight?—I have no doubt an engine could pass over it with perfect safety at a very slow speed; in fact, I never saw a railway that an engine could not go over at the rate of four or five miles an hour; therefore it is impossible to say that no engine can pass over it with safety.

2660. But having regard to the rate of travelling which the public have a full right to demand from railways, without going to any excessive speed, do you not think that the permanent way ought to be in such a condition as to enable engines of any necessary weight to go at such a rapid pace, and that it is a bad principle to admit that a railway company may allow their permanent way to fall into such a condition that the only security to the public is, that the engine shall not be of the best and heaviest quality, and that the pace shall not be rapid?—I think it is decidedly objectionable, and most improper in railway companies, to allow their lines to get into that condition; and I should be very glad to see any plan devised by which they could be prevented from allowing their lines to get into that condition; but being in that condition, the alternative is either to reduce the speed to what may be inconvenient to the public, or to close the line of railway. As to closing the line of railway, I can hardly conceive that that may become necessary in consequence of the condition of the permanent way, although the speed might be very much reduced.

2661. Is it not practicable gradually so to restore the whole permanent way, that the inconvenience to the public shall be only temporary?—That is practically done upon every railway in the kingdom. There is a perpetual

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renewal of rails and permanent way without stopping the traffic; and in parts where the rails are much worn out previous to the repair taking place, it is customary to reduce the speed to prevent the possibility of accidents.

2662. You said yesterday that you did not think it practicable there could be such a supervision of the permanent way, by any Government authority, as would render it certain that the permanent ways of all the railways in the kingdom were in an effective state. Do you not think that that object might, if not wholly, yet in a considerable degree, be attained by placing them under Government authority?—Certainly not. I have no doubt in my own mind that the only mode in which the permanent way is to be kept in good order is by railway companies keeping proper superintendents and platelayers to look after the line of way. Every line in the kingdom ought to be examined every day to insure safety, and practically they are so examined. It would be impossible for any Government Board in any way to take upon themselves the responsibility of inspecting all the lines, and seeing at all times that they were safe. The neglect of a single day may produce most serious disaster, and therefore I should be very sorry to see the responsibility of the railway companies reduced in that respect.

2663. Does not the Railway Board at present take upon itself the responsibility of determining whether a line shall be opened or not?—Yes, it takes upon itself that responsibility; the inspecting officer states whether the condition of the permanent way and works are such as will permit the line to be opened with safety. He does not, of course, mean to say that it can be done without proper supervision and proper maintenance. The proper supervision and proper maintenance must be left to the companies. All his certificate goes to say is, that the strength of the permanent way, and the rails, and the fittings, and keys are sufficient; and that when he examined the line they were all in a fair state for traffic. But if the permanent way were neglected only for two days, or for a single day, there might be an accident upon the line. His report does not in any way relieve the public from the liability to accident through the neglect of proper maintenance.

2664. There is a minute, is there not, in which it is clearly stated as to what points, and in what degree, the Board of Trade will take on itself the responsibility?—Yes, there was a minute laid before the House in 1847.

2665. Mr. *Labouchere.*] I think I observed a statement by Captain Wynne, on the occasion of one of the recent accidents, that the railway in question was so constructed as to be inadequate to bear the weight of the engines and trains which were run upon that railway. Am I right in that supposition?—I have not seen Captain Wynne since.

2666. *Chairman.*] That is as to the Bolton accident, respecting which our information is limited to what we have seen in the paper?—I do not think that Captain Wynne's evidence would go to show that the railway was so constructed that it would not support engines with safety at a certain speed (I forget what the speed stated by him was), but that it had been allowed to get into that condition in which it would not carry the engines at the speed required. The particular circumstances, with regard to that railway, are these: I happen to remember them pretty well from its having been the first railway that I ever inspected. In 1846, the attention of the Commissioners of Railways was called to that particular railway, the railway from Bolton to Manchester, by a memorial, or more than one memorial, from the town of Bolton, and other places along the line, in which it was stated that the railway was in a very unsafe condition. Captain Coddington and myself went down to examine the railway, and we found that it was in a very bad condition; that it had just got into the hands of the Lancashire and Yorkshire Company, having before that belonged to an independent company, and that the Lancashire and Yorkshire Company were going over the line with a very thorough repair, placing new sleepers and new rails everywhere. On that occasion, I remember Captain Coddington, who was then responsible for the inspection, stated that the permanent way when laid would be sufficient, and I have no doubt that it would have been so if properly maintained. At the same time, on the same railway, I remember the case of some bridges carrying a turnpike road over the railway; the supports of these bridges are so close together that carriages in travelling between them come in dangerous proximity to them; and more than one accident had happened at that time from guards or other persons coming in contact with the supports of the bridge.

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The attention of the Company was called to these bridges then, I believe, for a second time, and no alteration was made. I happened to pass over the line officially about two or three years afterwards, when I was about to attend to other duties, and I found that the bridges had not been altered. I again called the attention of the Railway Board to the subject, and it was again pointed out to the Company the very great responsibility under which they must rest from these bridges continuing unaltered. I do not know whether they have been yet altered, but I merely state that as showing that for several years the strong remonstrances of the Board of Trade and the Commissioners of Railways were neglected by the company.

2667. Mr. *Labouchere.*] It may happen, then, that a railway may become dangerous from the effects of neglect, and by a process of gradual d terioration?—Yes; that which I have stated with regard to a metropolitan line I hold to be a strong proof of it.

2668. Do you think any system of regular Government inspection could be established which would diminish the chance of accidents or danger from causes of that description?—Certainly not. I am not aware of any system of Government supervision which can provide for that; but what I recommended yesterday would, I think, provide for it to a great extent.

2669. Would it not provide against the effects of gradual deterioration?—No, I think not; because rails may be very much worn, and a railway, notwithstanding, may be kept in very good order, so that trains may pass over it with perfect safety, while the same rails upon another line of railway, where the permanent way was neglected and the ballast neglected, would be positively dangerous. The safety of a railway and its works depends entirely upon the daily work proceeding along the line of railway; and I think a provision that the Board of Trade might require railway companies to put their works in a proper state of repair when they became out of repair, would be sufficient to provide for the safety of the public, because passengers travelling along a line of railway are very alive to danger of that sort; and I have no doubt that if they knew there was such a power vested in the Board of Trade, we should have abundant notice of such cases.

2670. Do you think, that if a system of occasionally having a regular inspection of all the railways in the country were undertaken by the Board of Trade, that would not afford the means of ascertaining the condition of railways, and thereby diminish causes of accident, without the necessity for constant interference?—I think not; and one reason would be this, that before the occasional inspection took place, or if the company got a hint of the officers coming over the line, the ballast would be all nicely raked over, platelayers would be along the line, the sleepers would be covered up, and we should know comparatively nothing about the state of the line. But if our attention was specially called to it, and our inspectors went along the line, I have no doubt they could point out whether the line was in a proper condition, and could point out the works necessary to be done to put it in good condition.

2671. You think, then, there is no class of causes of accident that could be ascertained by the Board of Trade by a regular system of inspection?—I would not say that altogether, but I think that a power of inspection, whenever we received notice that a line was in an improper condition, would be very useful to prevent accidents.

2672. Mr. *Laffan*] And the power of enforcing the conditions?—Yes.

2673. Mr. *Labouchere.*] Are there no causes of accidents, such as the public would not be likely to perceive, but which a properly qualified officer of the Board of Trade would perceive?—I think the public would find it out almost as quickly as an inspector, because the companies can hide the state of a line from the eye, but the public soon ascertain from the oscillation of the carriages and the unsteadiness of their motion whether the line is in good or bad order, and I have no doubt, that if the power which has been suggested were vested in the Board, we should get ample notice of imperfections in the road.

2674. *Chairman.*] If the line be in all respects in perfect order, and the rolling stock is in perfect order, your opinion is, that high speeds may be run with perfect safety?—If the permanent way is in very perfect order and constructed in a manner fit to stand high speeds, I have no objection to travel at any speed at which a locomotive can take me; but when I say that, I am not prepared to say that I would go at any speed, even upon what are considered at the

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the present day some of the best laid lines of railway. Although those lines may be safe up to 40 or 50 miles an hour, I should be very sorry to travel upon them at the rate of 70 or 80. It depends upon the manner in which the permanent way is laid.

2675. Speaking generally, the question of speed is not one which alarms you if the line and the rolling stock are in the best possible order?—No, not at all.

2676. Colonel *Jones*.] When a railway is reported to you by a company to be ready to be opened, at that time you have official information, have you not, as to the weight of the rails used for that line of railway?—Yes; the inspector informs himself upon such points as that.

2677. And then when you are satisfied, you authorise the opening of the railway?—Yes; we do not object to the company's opening the line.

2678. After the railway has been opened, may the company either change the rails or alter the sleepers, so as to make it altogether a new line, without giving the Board of Trade any official information of the change which has taken place?—Quite so. They can do anything they please upon the railway, without giving any information at all to the Board.

2679. Do you think it would be advisable that when they make any extensive change of that kind, an official notification of it should be given to the Board of Trade?—I think it might possibly be advantageous to provide that, if any extensive changes were made, such as taking up one description of rail and adopting another, or adopting a different description of fastening or sleeper, for instance, the Board should have information of it.

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APPENDIX.

Appendix, No. 1.

PAPER delivered in by *George Mellish*, Esq., 4 March 1853.

A STATEMENT of the Trade navigated on the Grand Junction Canal.

YEARS.	Thoroughfare Trade.	Local Trade.	Entire Trade.	YEARS.	Thoroughfare Trade.	Local Trade.	Entire Trade.
	Tons.	*Tons.*	*Tons.*		*Tons.*	*Tons.*	*Tons.*
1833 -	186,029	522,228	708,257	1843 -	239,116	749,386	988,502
1834 -	192,253	527,528	719,781	1844 -	295,100	794,421	1,089,521
1835 -	192,859	631,786	824,645	1845 -	294,257	847,616	1,141,873
1836 -	191,043	826,518	1,017,561	1846 -	229,282	858,689	1,087,971
1837 -	216,706	890,251	1,106,957	1847 -	253,141	910,325	1,163,466
1838 -	202,134	746,354	948,481	1848 -	227,736	803,548	1,031,284
1839 -	231,953	712,169	944,122	1849 -	206,390	771,865	978,255
1840 -	224,819	729,430	954,249	1850 -	221,853	804,879	1,026,732
1841 -	235,511	851,954	1,087,465	1851 -	219,886	879,988	1,099,874
1842 -	227,782	714,053	941,835	1852 -	228,935	915,644	1,144,579

Appendix, No. 2.

PAPER delivered in by *C. A. Saunders*, Esq., 7 March 1853.

Sir, London, 30 January 1845.

We have the honour to transmit to you, for the information of the Lords of the Committee of Privy Council for Trade, an agreement entered into on the 16th instant, and since confirmed by the Great Western, the South Western, and the Southampton and Dorchester Railway Companies, by which a general acquiescence is formally declared in the decision of the Board of Trade, gazetted on the 31st ultimo, in respect of the lines of railway therein reported upon, and certain provisions are established for the amicable adjustment of all differences between the three companies, and for the fair and beneficial working of their respective railways, as well for the accommodation of the public traffic, as for the equitable protection of their property.

We are requested to express the hope that their Lordships will approve of the spirit and conditions of that arrangement, and that they will concur in giving effect to it, so far as the covenants are referable to the Board of Trade for any future decision or settlement between the companies.

We, have, &c.
(signed) *Charles Russell*,
Chairman of the Great Western Railway Company.

(signed) *W. J. Chaplin*,
Chairman of the London and South Western Railway Company.

(signed) *De Manley*,
Chairman of the Southampton and Dorchester Railway Company.

S. Laing, Esq.,
Board of Trade.

Appendix, No. 2.

Railway Department, Board of Trade,
Whitehall, 11 February 1845.

Sir,

I AM directed by the Lords of the Committee of Privy Council for Trade to acknowledge the receipt of copy of agreement between the directors of the Great Western and South Western, and the provisional committee of the Southampton and Dorchester Railway Companies, declaring their formal acquiescence in the decision of the Board of Trade, published on the 31st December, and settling certain differences which had existed between the three companies.

I have, &c.
(signed) *D. O'Brien.*

Charles Russell, Esq., M.P.
Great Western Railway.

MINUTE of ARRANGEMENT entered into by The Great Western Railway Company, The London and South Western Railway Company, and the Provisional Committee of The Southampton and Dorchester Railway Company.

16 January 1845.

THE basis of this arrangement is to be an acquiescence, on the part of the three companies herein referred to, in the decision of the Board of Trade, gazetted on the 31st ultimo, in respect to the lines of railway, and district of country embraced therein, upon an arrangement being concluded with Mr. Castleman's Company and the Great Western Railway Company, with the sanction of the Board of Trade, in regard to the Coast Line.

The acquiescence of the South Western Company is to be shown by promptly withdrawing all lines promoted by them, and all connexion with the Central Cornwall Line promoted with others, which have been reported against, and all Parliamentary opposition, direct or indirect, against the lines reported upon favourably, and by publicly announcing the same without delay.

As regards the future, the acquiescence of the companies in the decision is to be shown by each company pledging themselves not to encourage or promote, directly or indirectly, any future line of railway, in opposition to, or tending to divert legitimate traffic from the lines of railway communication for the district, as settled by the above Report, unless under such a completely altered state of circumstances as would induce the Board of Trade to consider the principles which have guided them in that Report as no longer applicable.

In order to preserve friendship between the companies, and to avoid unnecessary contention, no step shall be taken by either company to bring any such line before the public, or in any way, directly or indirectly, to promote or encourage the same, without first applying to the Board of Trade, after giving notice of their intention to do so to the other party, and ascertaining that the Board is favourable to such line on public grounds, and does not think it inconsistent with the principles of its present decision; and if the opinion of the Board of Trade shall be ascertained to be unfavourable to such line, it shall at once be abandoned.

In the above agreement, reference has been had more especially to extension lines from Salisbury or Dorchester competing with the Great Western (including its branches) and the lines now sanctioned, on the one hand, and to extension lines from Basingstoke competing against the South Western Railway (including its branches) and the Coast Line to Dorchester, on the other.

An agreement to be entered into between Mr. Castleman's Company and the South Western Company for a lease to the latter of the Coast Line, which is to be constructed on the same gauge as the South Western Line; and a clause to be inserted in the Coast Line Bill, authorising its lease by Mr. Castleman's Company to the South Western Company.

The South Western Company to pay, by way of rent, 20,000 *l.* per annum, with half the net profits exceeding the rent.

Conditions for combining the independence of the Coast Line Company with a reasonable control over the manner of constructing the works, by the approbation of the engineer of the South Western Railway Company being given to the contract for the performance of the works before the same shall be entered into, and by the works being executed in conformity therewith, to be settled by a separate agreement, it being understood that if any differences arise, the Board of Trade shall decide between the parties. The Great Western Company at once to abandon all connexion with the Coast Line.

The South Western Company to provide and to pay deposits before the meeting of Parliament, or within 14 days afterwards, upon so much of the residue of the capital of 500,000 *l.* as will comply with the Standing Orders, and ultimately to complete the subscription.

Both the Great Western and South Western Companies to give cordial and zealous assistance to the provisional committee of the Coast Line in carrying their Bill through Parliament, and the South Western Company are afterwards to aid them by *bonâ fide* encouragement and co-operation.

The terms of agreement entered into between the Great Western Company and the Southampton and Dorchester Company to stand, *mutatis mutandis*, between the South Western Company and the Southampton and Dorchester Company, except where herein varied.

Clauses to be introduced into the Coast Line Bill authorising the South Western Company to become subscribers to that line, and to carry out the agreement to the satisfaction of the Board of Trade, to whom a reference is to be made in all cases of difference between the three companies in respect thereof.

In

In the further carrying out of this amicable arrangement among the companies, they mutually undertake to work their respective traffics fairly; that is to say, with no partial change or reduction of fares, and no effort to divert traffic from the lines referred to in this agreement which may be enjoying it in its natural course, and to afford every public convenience for the interchange of passengers, parcels, and goods freely at the junction stations, and to afford every facility for the uninterrupted passage of traffic to and from their respective lines without hindrance or impediment, each booking passengers, parcels, or goods intended for the other. It is assumed that passengers will elect their own routes. As regards parcels and goods, where no specific direction shall be received from the consignor or consignee, the same shall be forwarded by each company in the most direct route. Means are to be adopted, consistent with existing engagements, for uniting the two railways at Salisbury in the most convenient manner, and if possible, by consent of owners or otherwise, in the ensuing Session.

It is distinctly understood that the traffic over the line between Weymouth and Dorchester is to be exclusively for the benefit of the Great Western Railway, as owners thereof, who are to have and retain the entire control of that line, as their separate property, which is not in any way to be affected by this arrangement.

In case of difference as to the mode of effecting the junction at Salisbury, or the arrangements and expenses incidental to such junction, or as to the mode of accommodating the traffic to or from the Coast Line between Weymouth and Dorchester, reference to be had to the Board of Trade, or to arbitrators under their directions.

This agreement, being signed by or on behalf of the three companies, is to be deemed binding and conclusive in every respect; and any difference under it is to be settled by the Board of Trade, with whom a copy, duly executed, is to be lodged.

A public official statement is to be inserted at an early period in the newspapers by each company, announcing the withdrawal of all lines reported against in the Gazette of the 31st ultimo, and of the intention of the South Western Railway Company to support the Coast Line to Dorchester, and to withdraw all opposition from the other railways sanctioned in the same Gazette by the Board of Trade.

All communications to the Board of Trade on the subject of the matters hereby referred to them as arbitrators between the two companies, shall, if in writing, be also communicated at the same time to the other companies, and if oral, shall be made in the presence of a representative of the other company, or after notice to them.

In entering into this arrangement, the South Western Company will act up to the terms of it *bonâ fide*.

The directors of that company must, however, state that they take this course rather in deference to the authority of the Board of Trade than in conformity with their own judgment, being of opinion that the subject of the Board's Report might, at least in some respects, have been disposed of with full justice to the Great Western Company, and more beneficially to the public and the South Western Company.

(signed) *W. J. Chaplin,*
Chairman of the South Western Railway Company.

(signed) *C. Russell,*
Chairman of the Great Western Railway Company.

Confirmed by a resolution of the directors of the Great Western Railway Company, at a meeting held on the 18th January 1845.

(signed) *Chas. A. Saunders,* Secretary.

Confirmed by resolution of Court of Directors of the London and South Western Railway Company, 24th January 1845.

(signed) *Alfred Morgan,* Secretary.
(signed) *De Manley,* Chairman.
Jos. G. Garland, Vice-Chairman.
John Mills.

Confirmed by resolution of the provisional committee of the Southampton and Dorsetshire Railway, 27th January 1845.

(signed) *Charles Castlemaine,* Secretary.
Fras. Bryant.
John Cree.

Appendix, No. 3.

Appendix, No. 3.

TRENT AND MERSEY CANAL CLAUSES.

9 & 10 Victoria, c. 84.

For maintenance of the Trent and Mersey Navigation.

s. 36. And be it enacted, that the said North Staffordshire Railway Company, or other the owner or owners, proprietor or proprietors, for the time being, of the said Trent and Mersey Canal, shall, and they are hereby required for ever hereafter, at their own costs and charges, to keep, repair, support, and maintain the same, and the several branches, extensions and diversions thereof, and the several railways, reservoirs, tunnels, towing-paths, lands, buildings and works, belonging thereto, well and sufficiently repaired, dredged, cleaned and scoured, in good order and condition, for the purposes of the said navigation, save only so far as any parts of the said Trent and Mersey Canal shall be applied for the purposes of the said North Staffordshire Railway, as shown in the plans deposited as aforesaid: Provided always, that in case the said North Staffordshire Railway Company, or other such owner or owners, proprietor or proprietors of the said Trent and Mersey Canal, shall not at all times hereafter repair, maintain and support the same canal, and the said several branches, extensions and diversions thereof, and the several railways, reservoirs, tunnels, towing paths, lands, buildings and works, belonging thereto, then, and in every such case, it shall and may be lawful for the Trustees of the Duke of Bridgewater to repair and maintain the said canal, and the said branches, extensions and diversions thereof, and the said works belonging thereto; and all the costs and charges thereof shall be paid to the said trustees within the space of two calendar months after an account and demand thereof shall have been delivered and made to, or left at any of the offices of the said company, or their secretary for the time being or at the usual place of abode of the other proprietor or proprietors for the time being of the said canal, or his or their agent; and upon the failure or neglect of the said company, or other such proprietor or proprietors as above mentioned, to pay the said costs and charges, it shall and may be lawful for the said trustees to recover such costs and charges by action at law, to be commenced by the said trustees against the said company, or the said other proprietor or proprietors, in any of Her Majesty's Court of Law at Westminster.

Railway Company, &c. to preserve the supply of water to the Trent and Mersey Navigation.

s. 37. Provided also, and be it further enacted, that the said North Staffordshire Railway Company, or other the owner or owners, proprietor or proprietors for the time being of the said Trent and Mersey Canal, shall and are hereby required to preserve the supplies of water to the said canal, and the several branches, extensions, and diversions thereof, as amply as they now are and have heretofore been usually maintained, so that the navigation of the said canal, and the several branches, extensions and diversions thereof, shall at all times be kept open and navigable for all persons desirous to use and navigate the same, save and except so far as the parts of the said canal shall be applied for the purposes of the said railway, as shown in the plans deposited as aforesaid.

Charges on Canal not to be higher than charges on Railway.

s. 38. And be it enacted, that the maximum charges to be made or received by the company in respect of the said navigation, shall not exceed in amount the charges made or received by the said company of proprietors of the navigation from the Trent to the Mersey, at the time of the passing of this Act, as specified in the Schedule (A.) hereunto annexed; and that the company hereby incorporated shall not, by any difference of toll or charge on the said navigation and on the said railway respectively, give or allow any preference or advantage to or in respect of goods, wares, and merchandise to be from time to time carried on the said railway, exceeding or other than such as they shall give or allow to or in respect of goods, wares and merchandise carried on the said navigation, or any part thereof.

For regulating tolls upon the Canal.

s. 39. Provided always, and be it enacted, that if at any time complaint shall be made to the Board of Trade that the amount of the rates, tolls, or duties received or claimable by the said railway company by virtue of this Act, or of the said recited Acts, for or in respect of the said navigation from the Trent to the Mersey, or any part thereof, or of the several vessels or articles, matters or things which shall be navigated, carried, or conveyed in, upon, or along the same, or any part thereof, is such as, with reference to the tolls taken and carriage charged upon the railway hereby authorised to be made, to operate prejudicially to the persons using the said navigation, it shall be lawful for the said Board of Trade, from time to time, when and as such complaints shall be made, to examine and inquire, or to appoint some competent person to examine and inquire, into such complaints and the grounds thereof, and after such examination had, to make such regulations from time to time as the said Board of Trade shall think fit with respect to the amount of all or any of the tolls, rates and duties which shall be received or claimable by the said company for or in respect of the said navigation or any part thereof, or of all or any of the vessels or articles, matters, or things which shall be navigated or carried or conveyed thereon, and by such regulations impose such conditions and restrictions with regard to the amount of all or any of such tolls, rates or duties as the said Board of Trade shall think fit, having regard to the tolls levied on the said railway; and every such regulation, on being published in the "London Gazette," shall be binding upon the said railway company, and such tolls, rates, and duties only as may be affixed thereby shall be recoverable by them until such regulations shall be revoked or altered by the said Board.

Appendix, No. 4.

Referred to in *Capt. J. L. A. Simmons*'s Evidence, Q. 2601.

MEMORANDUM relative to the MEASURES which have been adopted in *France* and *Belgium* relative to the effecting of a Means of COMMUNICATION between the GUARDS and DRIVERS of TRAINS whilst in motion upon Railways, and also between the PASSENGERS and the GUARDS, and Suggestions as to the Means which may be adopted with a view to attaining this Object in the United Kingdom.

BY the laws in force in France it is enacted that "the guards in charge of breaks shall be placed in communication with the engine-driver, so as to give, in case of accident, a signal of alarm by such means as shall be authorised by the Minister of Public Works on the proposition of the Company." It is also enacted that "each train shall be accompanied by the number of guards in charge of breaks, which shall be determined for each railway, according to the gradients and number of carriages, by the Minister of Public Works, on the proposition of the Company," and that "on the last carriage of each train, or on one of the carriages placed in the rear, there shall always be a break and a guard to work it."

The practical working of this law has been such, that up to the present time no efficient means have been adopted for communicating between all the guards accompanying a train and the driver of a train.

An important step, however, has been made in this direction by enforcing upon the railway companies the adoption of a satisfactory communication between the front carriage of each train and the engine. The usual system adopted has been by placing a bell on each tender, which may be rung by means of a string from the leading carriage.

This method appears to be free from objection, as, the bell being on the tender and independent of the engine, there is no link necessary to complete the communication between the engine and the tender, and the string being always with the bell, which is a fixture upon every tender, the means of effecting the communication can never be absent, except from carelessness. It is only necessary that the engine should always travel in the right direction, that is to say, that it should never travel tender foremost, a prohibition which is also provided for by an enactment in the French code, and which is generally in force on English railways, and has been frequently recommended to, and urged upon, the various English railway companies by the Board of Trade. This system also requires that there should always be a guard upon the leading carriage.

The operations in practice with a view to this desired communication between guards and driver on the French railways have ceased at this point. Numerous experiments have been made in order to bring about a more perfect system, affording a speedy means of communication through the whole length of the train, but, notwithstanding a very general acknowledgment of the great desirability of accomplishing it, the experiments have not resulted in any practical expedient. One method, however, which I was assured has met with perfect success in a long series of experiments upon the Orleans Railway, is looked upon with much favour by some of the authorities in France, and is so very ingenious that it deserves description.

It has been proposed by Mr. Herman, the Government director of the Orleans Railway.

It is necessary, however, to premise that on this railway it is the custom to place in every train, in the charge of the guard, a complete electric telegraph, with wires attached, one of which, by means of a rod which can be lengthened like a fishing-rod, can, when the train is stopped at any part of the line, be attached to the telegraph wires, which are suspended in the usual manner from posts placed at intervals along the line of the railway. The other wire of the portable telegraph is inserted in the ground, and thus the circuit is completed, and the guard is enabled, by means of the instrument which he carries with him, to place himself, when the train is stopped, in immediate communication, by electric telegraph, with the adjoining stations.

The instrument and the whole apparatus, as furnished by Mr. Breguet, of Paris, to the company, costs 360 francs, or about 14*l.* 10*s.* The instruments are of a simple nature, the alphabet and signs being worked by a handle over a dial upon which the letters of the alphabet are written, and not by needles and conventional signs. In order to insure the proper working of these instruments, each guard, on arriving at his terminal station, is required to attach the wire of his instrument to the line-wires, and to place himself in communication with a neighbouring station, and to work the instrument for a quarter of an hour at the least before he deposits it in the store in readiness to be taken out again when required for another journey.

Appendix, No. 4.

This practice both ensures the instruments being in good order, and that the guards are capable of using them. This system has many advantages, as the guards can at once communicate with a neighbouring station, if from any unforeseen cause the train should be stopped on the line not at a station.

Having this electrical machine already on every train, it becomes comparatively an easy matter to establish a communication throughout the train.

Two small wires are attached under the frame of each carriage, having at their ends small coupling chains which are hooked on to one another in the same manner as the ordinary coupling chains of the carriages. They are connected with the electric machine at one end of the train, and with a bell at the other, so that the electric circuit shall be complete throughout the train. The bell is so contrived, that on the rupture of this circuit, whether by the guard at the end of the train, who is provided with a contrivance for that purpose, or by any other case, the bell immediately commences ringing; the bell being on the front carriage next to the tender, the guard, who travels on that carriage, immediately communicates the signal to the driver by the bell on the tender. The objections to this system are the necessity of carrying an electric apparatus on every train, and of hooking and unhooking whenever a carriage is attached or detached.

The latter objection I do not consider of great validity in this case, because the length of the chains does not require adjustment, they may hang loose, care being taken that they are somewhat longer than the ordinary coupling chains.

Leaving out that part of the system by which the guard can communicate by means of the line wires with adjacent telegraph stations, the adoption of which, with the instruments generally in use on telegraph lines in England, would be attended with difficulty, I do not think that an electric apparatus for effecting the communication along the train need be either very costly or complicated; and I may observe, that there is an opinion among many persons employed on railways, both in this and other countries, that if a perfect system of communication is to be adopted at all, it will be most readily done by means of electricity.

The first great step, however, may, I think, be considered satisfactorily solved by placing the leading guard in communication with the driver.

This has been done on the Great Western Railway to a certain extent, by placing a travelling porter in a box on the tender, so that he always looks along the train to the rear, having it completely in view; he, however, has no break under his control, and has no means of direct communication with the train.

In Belgium the system is for the guards to travel along the foot-boards of the carriages; to enable them to do which, the foot-boards extend beyond the ends of the carriages, even with the buffers when driven home, and strong hold-fasts are placed in the sides of the carriages; this system has been in force for many years on the Belgian railways, and although the guards habitually make use of it to collect and examine tickets, I was assured that it had been entirely unattended with accidents to any of them.

In the accompanying circular, of the 6th October 1851, issued by the Commissioners of Railways, the adoption of this latter system of communication was strongly recommended, coupled with a suggestion that the guard placed in the front of the train should be placed in a seat from which he could look along his train, so that he might readily perceive anything in his train which might require attention.

This circular was issued in consequence of the London and North Western Company having expressed their willingness to adopt the system recommended in it in compliance with a suggestion which was made by one of the inspecting officers of this department.

Several companies expressed their willingness to adopt the suggestion, but it was reported to the Commissioners, that difficulties had arisen in the practical application of the plan, in consequence of the Post Office tenders not being supplied with steps along which the guards might circulate.

The Commissioners therefore addressed the Postmaster-general on the subject, and obtained his consent to the addition to the Post Office carriages necessary for carrying into effect their recommendation.

After some further communication on the subject with the companies and the clearing house, the matter dropped, the Commissioners not having the power to interfere, and the principal obstacle to the adoption of this system being the difficulty of obtaining an universal adoption of it by all the railway companies whose carriages are liable to be mixed up in one train; it being essential to its success that the additions should be made to the carriages of all descriptions belonging to different companies who interchange traffic over their respective lines. From this period up to the occurrence of the late accident on the Buckinghamshire Railway, nothing has been done on the subject; but I would now beg to submit, for the consideration of the Lords of the Committee of Privy Council for Trade, that, in the absence of any better communication, the combination of that in force in France with the Belgian system, which coincides with that recommended in the Circular of the Commissioners of Railways, coupled with a slight modification in the construction of the guards' vans on some of the railways, would have the desired effect of establishing a communication between guards and drivers, which, although not absolutely perfect, would have this advantage, that it would not prevent the adoption of any other system that may be preferred.

The system I would urge upon the consideration of their Lordships is, first, that a communication should be established between a guard to be stationed in the front of a train and

and the driver, as in France; second, that this guard should be placed in a box or a van, so that his most convenient and natural position when the train is in motion should be with his face to the rear, and looking along the train; and, third, that a guard should always be placed on the last carriage of the train, which, according to the recommendations constantly urged upon railway companies by their Lordships, and the numerous reports of inspecting officers who have inquired into accidents, and according to the general tenor of the regulations of railway companies, appears essential for the safety of trains; this latter guard to have a seat provided for him, in which he shall be protected from the weather, and so placed that when travelling and seated he should be looking along his train to the front; the red flag or lamp, always carried by guards, would enable him to make a signal to the leading guard, and the steps of the carriages would enable him to communicate with the passengers or the leading guard, in case of the flag or lamp failing to call his attention, which would be very improbable.

This system has the advantage of not preventing or interfering with any other contrivance which may ultimately be preferred, and is not open to the objection which has been frequently taken to the adoption of the system very generally adopted in Germany, of communicating by means of a cord or strap extending from one end of the train to the other, and which certainly present some difficulties on lines where the junctions are numerous, and trains have to be broken up into fragments, or to have the carriages attached to them from other lines, with as little delay as possible.

On lines where the traffic is small, and the trains light, or not subject to variation in length on the road, the objection to the cord cannot be maintained; and in those cases where the employment of two guards with every train would be considered by the companies as onerous and unreasonable, the cord or strap might very reasonably be adopted.

The advisability of the adoption of some contrivance for effecting this object has for some time been very generally admitted; but objections and difficulties have always interposed to prevent a complete or universal introduction of any method which has been proposed for the purpose; as, however, from what has preceded, it may, I think, be assumed that means can be adopted practically for effecting this desired communication, although they might vary according to the circumstances and peculiar conditions of each railway or branch railway, and are probably not so perfect as might hereafter be found to be applicable, I would urge upon the consideration of their Lordships the propriety of adopting some measure to ensure the appliance of some approved means which, by enabling the guards of all trains intended to be used for the conveyance of passengers, to communicate with the drivers, shall supply an additional precaution to those now in force, for the prevention of accidents upon railways.

(signed) *J. L. A. Simmons,*
Captain Royal Engineers.

12 February 1853.

Circular referred to in page 152.

Office of Commissioners of Railways, Whitehall,
6 October 1851.

Sir,

I AM directed by the Commissioners of Railways to forward to you, for the information of the Directors of your company, a copy of a letter which they have received from the General Manager of the London and North Western Railway Company, in which the Commissioners are informed that the company are prepared, and willing to adopt the suggestion of their inspecting officer, contained in a report upon a late accident on the London and North Western Railway, as regards the hand-rails along the carriages, or such other means as may be found desirable for enabling persons to pass along the trains.

The Commissioners desire me to forward also a copy of the suggestions alluded to, and to point out how desirable it is, that the power of travelling along trains whilst in motion should be given to the guards and servants of the company.

Such a duty need not, it is considered, be more dangerous than those which men are constantly called upon to perform in other occupations, but it is essential that in the performance of it, every reasonable facility and security should be afforded.

The Commissioners of Railways have had frequent occasion, in their communications with railway companies, to call their attention to this subject, and have much pleasure in communicating the result of the deliberations of so influential a company as the London and North Western upon it, in the hope that it will bring about a general adoption of so simple, and at the same time so beneficial a system.

In the absence of a better method, it supplies a means of communicating between the guards and passengers, without the objection which has generally been urged, that a passenger might be the means of stopping a train improperly, or in situations involving danger.

If extended so as to enable the guard to pass from the leading carriage on to the engine, it may enable him, by warning the driver, in certain cases in which he may consider it advisable to stop a train.

In order to achieve this end, the Commissioners need scarcely remark, that it is essential that all companies whose carriages are interchanged, and travel upon each other's lines, should adopt the same measures, and that they should be applied to all vehicles which are liable to be mixed up in passenger trains.

Appendix, No. 4.

The Commissioners desire me also to observe, that the benefit to be derived from this measure may be expected to be most materially augmented by the more general adoption of seats for the guards from which they may look along their respective trains, so that they may readily perceive whenever anything in their trains may require their attention.

If the guard in the front of the train were so placed, he could at all times, and in all weathers, maintain an efficient watch upon his train, and he would at the same time be in the best position for communicating with the driver.

The Commissioners desire me to add, that in the accidents which have from time to time been reported to them, many have occurred from the guards of trains coming in contact with bridges and works extending over the railways, and which have almost universally terminated fatally. If no other beneficial effect is derived from adopting this simple addition to the carriages, it is confidently to be expected that this source of accident will cease, and the companies will be spared the loss of any of their valuable servants from these causes.

I have, &c.
(signed) *J. L. A. Simmons,*
Captn Royl Engrs, Secretary.

The Secretary of the
Railway Company.

EXTRACT from the REPORT of Captain *Wynne,* R. E., dated 16th July 1851.

"FROM the first alarm of fire, till the stopping of the train, a very short interval appears to have elapsed; and I have no reason to think that the guards were not on the alert; I would only observe that, with regard to the occupation in which the under guard states himself to have been engaged, viz., sorting the Blisworth luggage, that this would be no excuse for his not keeping a sharp look out, as the safety of the train was his first duty, to which everything else should be subservient.

"The fearful consequences that might have resulted from this accident brings back for consideration the often mooted question of how to establish a communication between passengers and guards, and between the latter and the driver. The feat performed by Mr. Crampton points out that if an active man can make his way along a train in rapid motion, without the aids which might be supplied, that a guard accustomed to such duty, having these aids, could pass from one end of a train to another without either difficulty or danger; the aids I speak of would consist merely in extending the side steps at the ends of the carriages, just so far that when the buffers of two adjacent carriages are driven home, the steps will be within an inch or two of touching, and a sufficiency of handle placed along the sides of the carriages. I am aware that many objections will be urged to the adoption of this plan, but there are none, I am satisfied, which may not, and which ought not to be overcome, and the important question of establishing this communication should no longer be left in abeyance. The communication once established along a train, passengers would have no difficulty (with the guards attending to their duty) in giving an alarm by holding out some conspicuous signal, and the guards would thus have the means of communicating with them and with the driver.

(signed) "*G. Wynne,* Captain R. E."

(Copy.)

London and North Western Railway,
General Manager's Office, Euston Station,
26 September 1851.

Sir,

IN referrence to your letter, under date the 19th ultimo, enclosing a report from Captain Wynne of the 14th ultimo, I am instructed by the Directors of the London and North Western Company to acquaint you, for the information of the Commissioners, that they are prepared and willing to adopt the suggestion of the inspecting officer, as regards the hand rails along the carriages, or such other means as may be found desirable for enabling persons to pass along the train, but it must be evident to the Commissioners that as most of the trains are composed of carriages, the property of numerous companies, such a plan would not give the desired communication, unless generally adopted.

I am, &c.
(signed) *Mark Huish.*

Captain Simmons, R.E., Whitehall.

Appendix, No. 5.

REPORT from the Committee of Delegates of the Railway Clearing Houses.

1. The Board of Delegates of the Railway Clearing House, at its last quarterly meeting, having resolved that "the question of establishing a communication between guards and engine drivers, and guards and passengers, be again submitted to the consideration of the general managers, with a view to ascertain whether a plan for establishing such a means of communication can be devised which would not create greater dangers than those it is designed to guard against;" the general managers were accordingly summoned, and held several meetings at the railway clearing house.

2. It became evident, in the course of the discussion which took place at the first meeting, that the preliminary inquires which were deemed indispensable to enable these to perform the duty assigned to them, would be better conducted by a smaller number than were then assembled.

3. The committee which had in the previous year been engaged in investigating the merits of a plan proposed by the Board of Trade, was therefore requested to resume its labours on a more extended scale, and to report on the various contrivances for effecting the desired communication, which are now pressed on the attention of railway companies.

4. The committee, thus recalled to action, has held several meetings, and addressed letters to all the British, and to a considerable number of continental railway companies, applying for any information which it was in the power of those companies to give. The committee has also had an opportunity of reading a large number of written communications, which had been sent to the chairman and others of its members, and of examining the models and drawings of several inventions, aided, in many cases, by the oral explanations of the inventors.

5. One of these inventions consisted of a metallic rod, to be permanently attached to each carriage, at an uniform height above the rails, with a contrivance at the end of each rod for effecting a self-acting connexion when carriages were attached to a train, and for conforming to the variations of distance between the carriages, resulting from the play of the draw-bars. The rods, when connected and used, were to be moved by an endless screw, and to act on a steam whistle fixed to the fire-box of the engine. To this plan, ingenious though it be, there are several objections, the principal being the difficulty of maintaining the rods at an uniform height, and the danger to the porters when coupling the carriages.

6. Another plan consisted of a gutta percha tube, to be likewise permanently attached to each carriage, the continuity of the several tubes to be effected by others of vulcanised india-rubber. The signal was in this case to be given to the engine-driver by means of a whistle at the end of the tube; and the passengers were likewise to be accommodated by shorter tubes running up from the main one into the carriages. A gutta percha tube, said to be 400 feet long, was produced, but though the whistle could be heard with some distinctness, the attempt to speak audibly through it failed, and showed that it was inapplicable.

7. Another of the exhibitors proposed to use an air-whistle placed in the guard's van, the air to be pumped into a cylinder fitted with a safety valve, and worked by means of a piston-rod and eccentric attached to one of the van axles. A member of the committee stated, when the model was under examination, that a similar apparatus had been tried on the Lancashire and Yorkshire Railway, but with very unsatisfactory results; and other members of the committee corroborated, from their own experience, the opinion he expressed, that not even the loudest steam-whistle could, if placed in the rear of a train, be depended on as a signal to the engine-driver.

8. Another contrivance was an ingenious application of that part of the arrangements of the electric telegraph which consists in ringing a signal bell. Experience, however, has shown that the agent employed in the electric telegraph is too volatile, and its action too uncertain to render it suitable for the purpose to which the inventor would apply it.

9. One gentleman exhibited a new description of break to be fixed to every carriage, and with such an arrangement for connecting the breaks of all the carriages of a train, as would give the guards the means of applying them all at the same instant, and of arresting by this means the attention of the engineman.

10. A member of the committee produced the model of an apparatus to be placed on the tender, for ringing a powerful bell by means of a gutta percha rope carried on supports along the train to the guard's van. The committee will, in another part of their report, return to the consideration of this contrivance.

11. Finally, the committee examined numerous drawings and specifications, but as the plans proposed are little more than modifications of some one or other of the contrivances just referred to, the committee do not think it necessary to swell their report with the descriptions of their plans which the parties have respectively given.

Appendix, No. 5.

12. The committee having completed the examination of all the models and drawings which had been submitted to their inspection, proceeded to read the replies which had been received from the continental companies.

13. According to these replies (copies of which are appended), it appears that in France many unsuccessful attempts have been made to provide an effectual means of communication between the engine drivers and conductors.

14. On the northern of France, the Paris à Lyons, and the Rouen and Havre railways, there are no arrangements for that purpose in use.

15. On the Orleans railway, electricity has been employed, but its application has not been found so easy or successful as to induce others to imitate the experiment.

16. On the Montpellier à Cette Railway a mirror is placed in front of the guard, in which the train is reflected, but the plan is admitted to have many defects.

17. It further appears, that on the Belgian railways, the foot-boards have been lengthened in some cases, to permit the guard to pass along the train, but that no other means are employed on the railways of the companies from whom replies have been received.

18. On the Dutch Rhenish railway there is no appliance for making the required signals in use, but on other railways in Holland, as well as on the Prussian, Hanoverian, and other German railways, a rope attached to the lever of the engine whistle, or to a bell placed on the tender, is carried along the tops of the carriages, supported on brackets, and placed within reach of the guards and breaksmen. It is added, that this simple contrivance has been found, though the rope occasionally gets jammed when the train is long, to act with sufficient certainty on the rare occasions on which its use has become necessary.

19. When discussing and weighing the inferences naturally deducible from the facts and information which it had collected, the committee gave its attention in the first instance to the important question of giving to passengers the power of communicating with the guard. Without overlooking the possibility of such an arrangement being occasionally of service, the committee have been unable to persuade themselves that it would not lead to greater disasters than it could, on any view of the matter, prevent. Unless the guards and engine-drivers had orders to stop the train whenever a passenger made a signal, the privilege would be useless to the latter. It, however, requires little acquaintance with railway travelling, to be convinced that its dangers would be greatly increased if the train were to be stopped wherever and whenever a passenger, under the influence of fear or levity, chose to make a signal. The committee is not, therefore, prepared, in the first instance, to recommend any arrangement, or regulation, which would put it in the power of the timid or reckless to control the discretion of the guard or engine-driver, and to put the safety of the whole train in peril.

20. The committee is aware that public opinion has been a good deal excited on the subject, and that the minute of the clearing-house committee, directing this investigation to be made, alludes to a communication which the committee is bound to treat with profound respect. The committee would, therefore, gladly have come to an opposite conclusion, could it have done so consistently with the opinions which its members entertain. Should it, however, appear that the advantages of providing passengers with such means of communication countervail its dangers, the committee see no mechanical difficulty in the way. But it is of opinion that no such concession should be made until the Legislature has specially guarded against the abuse of the privilege by making it penal.

21. Before leaving this part of the subject, the committee think it right to state, that in one of the letters received from Germany, reference is made to facilities possessed by the conductor and his assistants for moving round the trains when in motion, and communicating with the passengers; and it is known, that in America, where the railway companies make little distinction as regards passengers, the carriages are so constructed and arranged internally, that both the passengers and conductors can move from one carriage to another by means of a passage running through the middle of the entire train.

22. As regards the first of these modes of enabling the guards to move along the train while in motion, this committee proved in the report on the subject, which the clearing-house committee forwarded last year to the Board of Trade, and to which it now begs to refer, that though the plan of lengthening the foot-boards of the carriages for this purpose seemed simple and suitable, there were difficulties in the way of its adoption on British railways which were insuperable.

23. And as regards the American arrangement, it is obvious that it is so opposed to the social habits of the English, and would interfere so much with the privacy and comfort which they now enjoy, that these considerations, apart from others nearly as important, would forbid its adoption in this country.

24. Having come very reluctantly to the conclusion, that neither the German nor American arrangement can be made available, and that it is not expedient at the present moment to adopt the only remaining mode, that of giving to the passengers the power of stopping trains at their discretion, the committee proceeded to determine the course to be recommended

recommended for the purpose of providing engine-drivers and guards with a means of mutual communication.

25. The engine-driver having already, in the steam-whistle, a means of making signals to the guard, which experience has shown to be amply sufficient for all necessary purposes, the object in view would be accomplished if the guard were provided with an equally certain and efficacious means of arresting the attention of the engine-driver. Hitherto, the guard has been assumed to have such a means in the break, which, when suddenly and repeatedly applied, has seldom failed to excite the notice of the engine-driver. Recent occurrences, however, have shown that this signal is not to be depended on in all emergencies, and that one more certain in its operation is required.

26. The magnitude of the traffic on the British railways, and the numerous channels through which it flows, lead to the gradual increase and diminution of trains, according as they converge to, or diverge from, the great centres of industry and population. Frequent re-arrangement and subdivision of trains, at the principal towns and junctions, are the necessary results. This constant change, added to the varying shapes and sizes of the vehicles of which trains are usually composed, is the chief reason why all the attempts hitherto made to supply the guard with an effective signal, by mechanical contrivances, have failed.

27. It is, in fact, indispensable, in consequence of those frequently recurring changes, and the rapidity with which they are made, that the means selected should be of easy application; and further, that it should be simple; for a complex contrivance, depending for its maintenance in a state of adjustment on spiral springs, India-rubber, or other elastic substances, would be liable to constant derangement.

28. It is equally obvious that signals depending solely on sight, whether the medium employed be a reflecting surface, lamp, or flag, or on the vigilance of a person placed (as in the case on the Great Western Railway) in a somewhat elevated position on the tender, must, even under the most favourable circumstances, be uncertain in their operation, and wholly useless in tunnels and in fogs.

29. The remarks made in a former part of this report, when treating of air-whistles, prove that signals depending on sound, if made at a distance from the engine driver, are as little to be relied on as those depending on sight. Several members of the committee have at various times conducted experiments having sound for their basis, and the result has invariably been, that no noise, however loud, shrill, or continued, whether the sound was produced by compressed air, trumpets, or gunpowder, could be heard, even when the train was short, when there was a head wind, or when the speed of the train was considerable.

30. The electric fluid, as the committee has already had occasion to observe, is too subtile, and the apparatus used for evolving and conducting it is too delicate for the rough usage, and the disturbing causes to which they would be exposed when trains are in motion.

31. The committee is therefore satisfied that no signals depending on sight, on distant sound, or on complex contrivances of any kind, can be so adapted to the varying circumstances of a railway train as to make the communication at all times certain, and that the only feasible means of accomplishing the object in view is by machinery, enabling the guard, when in his van at the rear of the train, to strike a bell fixed to the tender. A great variety of schemes to effect this have been, from time to time, made public, and many of them are secured by patent.

32. The committee, keeping in view that the mode selected must have the qualities of simplicity of contruction, facility of adjustment, and certainty in action, is of opinion that the following plan will be found best suited to fulfil those conditions:—

33. It is proposed that every tender should have a loud sounding bell attached to it, at a point as close as possible to the place where the engine-driver usually stands; that the apparatus to be used for striking the bell be fitted with a contrivance for easily attaching a rope or line to it; that each guard's van be fitted with a drum having two divisions, the one smaller than the other; that the larger division be of sufficient capacity to hold, wound round the drum, a coil of line equal in length to the maximum length of the trains: that in the smaller division a cord be fixed to and wound round the drum, having a balance weight always in action suspended from the end of it, for the purpose of keeping the signal line in a state of tension; and that the lever of the bell be fixed down by a spring of sufficient strength to resist this counterpoising weight, as well as the strain on the line at starting, and at other times, so that the bell may never ring except by the act of the guard; and finally, that the signal line, when used, be carried along the carriages in the way in which experience may show to be the best, supported by spring receivers, of a simple construction, and be attached to the lever of the bell.

34. The guard, when desiring to make a signal to the engine-driver, will simply have to turn the handle of the reel, and sound the bell, and when his journey is ended it will be his duty to detach the line from the bell, and wind it round his reel.

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35. The line to be used may be made of hemp, copper wire, or gutta percha. Which of these materials is preferable must be determined by future experiments; so must also the kind of apparatus for striking the bell which will make it give out the loudest sound; but the bell has been selected in preference to the whistle, because the latter is now used for a variety of purposes, which, if increased, might lead to confusion, and because experiments made with bells, at the request of the committee, have shown that they will answer the purpose.

36. Having thus described the arrangement which the committee think most suitable, it remains, in conclusion, to observe, that unless the plan be accepted and applied by all the companies who interchange rolling stock, its purpose will be defeated. It will therefore be necessary, should the delegates of the clearing-house approve the decision to which the committee has come, that steps should be taken to ensure the immediate and general adoption of the plan by all the associated companies, in order that every tender may at once be fitted with a bell, every guard's van with a drum, reel, and balance line, the frame of every railway vehicle with the necessary number of spring receivers on both sides, and every guard with a signal line of the requisite length.

Mark Huish,
General Manager London and North Western Company,
and Chairman of the Committee.

Thos. E. Harrison,
Engineer York, Newcastle, and Berwick Railway.

Joseph Sanders,
General Manager Midland Railway.

Seymour Clarke,
General Manager Great Northern Railway.

S. P. Bidder,
General Manager North Staffordshire Railway.

James Allport,
General Manager Manchester, Sheffield, and
Lincolnshire Railway.

J. M. Laws, R.N.,
General Manager of the Lancashire and
Yorkshire Railway.

(Circular.) Railway Clearing House,
Sir, 101, Seymour-street, Euston-square, February, 1853.

I HOPE that the object I have in view will be accepted as an apology for the liberty I am taking in addressing you.

I am chairman of a committee of railway officers appointed to determine which of the many plans, either proposed or in operation, for establishing between guards and engine-drivers a means of mutual communication, is best suited to its purpose.

The committee being aware that on some of the continental railways a communication of this kind has been for some time in existence, I have been requested to ask the favour of your informing me if the company, of which you are in charge, have adopted a plan of the kind I refer to; and if they have, that you will confer the still greater favour of sending a description of the plan in detail, as well as your own opinion of its practical advantages.

Again entreating your pardon for the trouble I give,

I have, &c.
(signed) *Mark Huish*,
General Manager of the London and North Western Railway.

Monsieur, Paris, le 31 Janvier, 1853.

J'AI reçu les lettres circulaires que vous avez adressées, le 27 de ce mois, aux Secrétaires des Chemins de Fer du Nord et d'Amiens à Boulogne.

Nous n'avons jusqu'ici appliqué aucun système de communication entre le conducteur du train et le mécanicien. Ce problème qui jusqu'ici n'a pas été résolu d'une manière pratique, doit être recherché à cause de son but, qui est evidemment utile. Je serais heureux, Monsieur, que vous voulussiez bien me tenir au courant des conclusions de la commission qui vous présidez.

Je suis du reste tout à votre disposition pour les renseignemens spéciaux que vous désirerez avoir sur l'exploitation du Chemin de Fer du Nord, qui comprend en même temps la ligne de Boulogne.

Veuillez agréer, Monsieur, l'assurance de ma considération très distinguée,

L'Ingénieur Chef de l'Exploitation,
Petiet.

Monsieur Mark Huish,
General Manager of the London and North Western Railway, London.

Chemins de Fer de Rouen, du Havre et de Dieppe,
Monsieur, 11, Rue d'Amsterdam, Paris, le Fevrier, 1852.

Je regrette qu'il ne me soit pas possible de vous adresser quelque renseignement utile en réponse à votre lettre du 28 Janvier dernier.

Plusieurs essais ont été faits en France, pour établir une communication entre les conducteurs d'un train et le mécanicien. Aucun de ces essais n'a encore été jugé satisfaisant, et sur nos lignes aucun système n'est appliqué.

Je vous serai personellement très reconnaissant de vouloir bien me faire connaître les communications intéressantes que vous pourriez recevoir à ce sujet.

De mon côté j'aurai le plus grand plaisir à vous tenir au courant des progrès que nous pourrions faire.

Recevez, je vous prie, Monsieur, l'assurance de ma considération la plus distinguée.

Le Chef de l'Exploitation,
G. De Lapeyrière.

Monsieur Huish,
General Manager of the North Western Railway.

Monsieur, Paris, le 3 Fevrier, 1853.

M. Jullien, Directeur du Chemin de Fer de Paris à Lyon, me charge de repondre à la lettre que vous lui avez fait l'honneur de lui écrire le 28 Janvier dernier.

Aucune disposition particulière n'a été adoptée sur le Chemin de Paris à Lyon pour établir une communication entre les conducteurs du train et le mécanicien. Cette communication s'est faite jusqu'ici plus ou moins parfaitement au moyen des signaux ordinaires repétés au besoin par les garde-lignes.

Nous avons été au moment d'essayer un système employé avec assez de succés sur le Chemin de Montpellier à Cette, et qui consiste à placer devant les yeux du mécanicien un miroir dans lequel vient se réfléchir le train. Nous ne l'avons pas fait parceque le miroir a quelques inconvenients.

En Belgique on met à la disposition du conducteur placé dans le vagon à bagages un sifflet puissant mu par une pompe à air, manœuvrée à la main.

Enfin au Chemin d'Orleans on a essa yé une communication par l'électricité entre le conducteur de queue et le chef du train ou le mécanicien au moyen d'une pile dont le courant suit les chaines d'attelage des vagons. Ces essais ont réussis, mais le système n'est pas encore d'une pratique facile.

Voilà, Monsieur, les seuls renseignemens un peu sérieux que je puisse vous donner sur la question posée dans votre lettre.

Recevez, Monsieur, l'expression de ma considération distinguée,

Le Directeur de l'Exploitation,
J. Noirez.

Monsieur, Bruxelles, le 4 Fevrier, 1853.

Repondant à la lettre que vous m'avez l'honneur de m'addresser sous la date du 28 Janvier d[r], je m'empresse de vous informer que le Chemin de Fer de Charleroi à Louvain, n'étant pas encore livré à l'exploitation, l'Administration n'a pas encore eu à s'occuper des moyens de communication entre les gardes et les machinistes, sur lesquels vous me demandez d'être renseigné.

Je vous prie, Monsieur, de recevoir les salutations empressées de

Votre très-humble Serviteur,
A. Demaux,
Administrateur de Chemin de Fer de Charleroi à Louvain.

A Monsieur le Directeur Général des Chemins de Fer
Nord Ouest à Londres.

Monsieur, Paris, le 5 Mars, 1853.

En reponse à votre lettre du 28 Janvier, 1853, j'ai l'honneur de vous informer que, sur le Chemin de Fer de Paris à Orléans avec ses prolongements, il n'existe, jusqu'à présent, pendant la circulation des trains, de communication qu'entre le premier conducteur et le mécanicien. Cette communication s'établit par une corde dont l'une des extrémités s'attache à une cloche placée sur le tender, tandisque l'autre extrémité est à portée de la main du conducteur chef, dans le premier vagon à bagages.

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Mais ce moyen, le seul connu et pratiqué jusqu'à ce jour, ne présentant que des garanties insuffisantes la Cie d'Orléans va mettre en usage un nouveau système, proposé par son ingénieur en chef, et dont vous pouvez lire la description dans le journal des Chemins de Fer, numero du 5 Mars, 1853, page 147.

Le procédé est, d'ailleurs, tellement simple que la lecture de l'article précité suffira pour vous en faire saisir complétement le principe et les détails.

Veuillez agréer, Monsieur, l'assurance de ma considération très distinguée.

Le Directeur de la Cie du Chemin de Fer de Paris à Orleans avec ses prolongements.

C. Liriott.

M. the General Manager of the London and North Western Railway,
Railway Clearing House, 101, Seymour Street, Euston Square, London.

Monsieur, Bruxelles, le 12 Fevrier, 1853.

La lettre que vous m'avez écrite le 27 du mois dernier n'étant pas bien adressée, ne m'est parvenue qu'apres un assez long retard, ce qui m'a empêché d'y répondre plutôt.

Je regrette de n'avoir pas à vous transmettre des renseignements sur l'objet de votre lettre, que j'aurais été charmé de pouvoir vous offrir, mais la compagnie que je réprésente n' ayant encore mis aucune de ses lignes en exploitation, nous n'avons pas eu occasion jusqu'à présent d'expérimenter aucun sytème de communication de la nature de ceux donc vous m'entretenez.

Veuillez agréer, Monsieur, l'assurance de ma considération distinguée.

Greban.

A Monsieur Mark Huish, &c.

Namur and Liege Railway, 52, Moorgate-street,
Sir, London, 3 February 1853.

Referring again to your polite communication, dated 28th January, I beg leave now to inform you, that no plan for establishing between guards and engine drivers a means of mutual communication has been tried or adopted on this railway.

You are no doubt aware, that in passenger trains, in Belgium, the continuity of the foot-boards attached to each carriage affords an easy means for the guard to pass from end to end of the train, which he constantly does with safety, during the most rapid transits in that country. Occasionally cases arise, which prove that with few exceptions this communication will suffice. To goods trains this observation will not, of course, apply.

I have, &c.
(signed) *George Grant,* Secretary.

To Captain Huish,
General Manager, London and North Western Railway.

Sir, Flandre Occidentale, Bruges, 5 February 1853.

In reply to your letter of the 28th ultimo, I beg to state, that on the West Flanders lines, we have not at present any efficient means of communication between engine drivers and guards.

On the Government lines, compressed air-whistles have been applied to the break carriages of the trains, but they have not been found to answer; the drivers cannot hear them for a distance of more than four or five carriages; they are seldom, if ever, used.

One of the guards on the Belgian Government lines has taken out a patent for a means of continual communication between the engine drivers and guards, which also gives the driver, by day or night, a complete means of knowing what occurs to his train; it consists simply in applying to the engine, on each side, a small mirror, so disposed that the driver or stoker are sure to see any accident which may occur to the train. I have seen the system tried, and I must say it is the most effectual, whilst the most simple, means of communication I have witnessed. The patent is also secured in England, and Mr. Morris Chubb, our secretary, 61, Moorgate-street, can give you any further particulars you may require, should you think it worth trying. We shall give the system a full and fair trial.

If at any time I can give you any information respecting railways in this country, I beg you will, without apology, dispose freely of my services; my impression being, that railway officials cannot better serve the interests confided to their care, than by mutual communications respecting improvements of any kind.

The apparent delay in replying to your letter arose from its having been directed to Bruxelles.

I remain, &c.
(signed) *W. D. Chansaell,* Directeur.

To Mark Huish, Esq., General Manager,
London and North Western Railway, London.

Dutch Rhenish Railway, Amsterdam,
10 February 1853.

Sir,

We are in receipt of two duplicate letters of yours on the subject of the communication between guards and engine-drivers, of the respective dates of 27th January and 2d February; the one addressed to the Secretary of the Dutch Rhenish Railway; the other to the Secretary of the Amsterdam, Utrecht, and Arnheim Railway. These being one and the same line, we beg to reply to both your favours, and have much pleasure in complying with the request therein contained.

On our own line, no means of communication between the guards and engine-drivers exists; but upon the Dutch railway between Amsterdam and Rotterdam (as also upon the Hanoverian and some other continental lines), a method of communication has been adopted, consisting of a line running over the whole length of the train, and attached to a lever which opens the whistle, on the cord being pulled by the guard. The manner in which this plan operates is so clearly apparent, from a sketch which has been kindly furnished to us by our locomotive engineer, Mr. Schanze, and which we have the pleasure to enclose herewith, that we deem any further remarks on our part as superfluous.

We have, &c.,
The Direction of the Dutch Rhenish Railway Company,
(signed) *B. Donck Curtiez*, President.
J. C. S. Zacob, Secretary.

To Captain Huish,
General Manager, London and North Western Railway,
101, Seymour-street, Euston-square, London.

Francfort-on-the-Maine, 5 February, 1853.

Sir,

In answer to your favour of 2d instant, I have the pleasure to hand you inclosed the instruction for signal service between guards and engine-drivers, which since the opening of our line has been adopted (three years ago), and in general proved well.

I remain, &c.

(signed) *De Fay*,
Secretary of the Main Weser Railway.

(Translation.)

I.—Policeman's Signals to a Moving Train.

1. "All Right."

Upon the approach of a train, the policeman, standing to the right of the train arriving, stretches out his arm in the direction the train is taking. The flags must be in the meantime in the case by his side. By night, a lantern is held in the proper direction.

2. "Approach Slowly."

The policeman holds a red flag, folded up, towards the engine driver. By night, a red light in the same position.

"Stop."

The policeman waves a red flag in a horizontal direction over his head. By night, a red lamp is moved in the same manner. In any case of necessity, the white flag must be planted on the spot where danger may exist, and further signals, 4,000 feet nearer the approaching train, be given by another policeman.

II.—Policeman's Signals to each other.

1. "The Train approaches."

The white flag is moved in the direction from head to the feet. By night, a lantern; and in foggy weather the horn is to be used.

2. "An Assistant Engine wanted."

The policeman waves the red and white flag crosswise over his head. By night, a torch whirled in a circle.

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III.—Signals of the "Train Conductor" of Passenger and Goods Trains.

1. "Departure."

The train conductor elevates the red and white flag, upon which the engine-driver sounds a long whistle, but must, nevertheless, not move, until the flags are moved backwards and forwards. If the flag is withdrawn without this movement, the engine-driver must wait until this signal be given.

2. "Stop."

The train conductor gives one or more loud blasts with his "signal whistle," which must be repeated by the (bremsern) breaksman, that the engine-driver may be made acquainted with the mischance which has occurred.

IV.—Engine Driver's Signals.

1. "Attention."

With the steam whistle, one long sound.

2. "Departure."

As soon as the "train conductor" elevates the red and white flag, a long whistle is sounded by the steam whistle to warn every one.

The train must not be set in motion until this signal is repeated by the "train conductor," and the flag waved.

3. "Put on the Breaks."

Two short blasts, followed by a long one, from the steam whistle.

4. "Detach the Breaks."

Two short blasts with the steam whistle.

5. "Arrival."

The entrance to a station or siding must always be signalled by one long whistle.

V.—Signals of the Breaksman and Schaffner.*

1. "Stop."

One or more loud blasts with the signal whistle, to apprise the engine-driver.

2. "Train following."

A red flag placed on the last carriage or waggon gives notice that an extra train follows.

By night a red light.

A white flag on the tender denotes that the train, or the engine alone, returns immediately; by night, a white light on the first carriage.

VI.—Signals on Sidings.

The red side of the shield placed in front of the expected train denotes that the points on the right hand (looking from the train) are open; the white side of the shield *vice versâ*.

By night, the red and white light serve the purpose.

Should the engine-driver notice that the regulation signal, disk, or shield is missing, or signals the wrong points, he must signal to the breaksman, and upon becoming aware that the points are right, he must signal "detach the breaks."

VII.—Station Signals.

As soon as the signal, "the train approaches," reaches the station, a red disk must be shown. This is to inform the approaching train that all is in readiness at the station, and at the same time apprises the station porters that the signal "the train approaches," has been received.

VIII.—Signals at the Departure of a Train.

A quarter of an hour (at a chief station) the bell rings for the first time; a second time, five minutes before the departure; and the third time, when the train is in motion.

At all roadside stations, the bell rings the first time when the train is in sight, and a second time, shortly before the departure.

Note.—To prevent a mistaking of signals, the signal "the train is not approaching," must, in case of such an occurrence, be notified by the policeman to the porters in waiting.

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* The original means Steward.

(Translation.)

To Captain Huish, Berlin, 8 February 1853.

The question you ask in your favour of 3d instant, respecting the mode of communication between the engine-driver and railway officers, we can only suppose arises from your having no hand-signals on English railways.

In the enclosed pamphlet of signals and instructions, you will find those which, from 12 years' experience, we have found efficient, and which are in use on the railways with which we are acquainted.

The Direction of the Berlin Anhalt Railway Company,
(signed) *Pournun.*

The guard, by means of a rope extending the whole length of the train, sounds the steam whistle, upon which the locomotive driver signals for the breaks to be applied.

(Translation.)

Royal Hanoverian Railway Direction,
To Captain Huish, Hanover, 10 February 1853.

In reply to yours of 2d instant, we beg to inform you, that we attach a rope to the steam whistle, which, passing over the tender and carriages, is fastened at the end of the train, and lies handy to the conductor.

When the conductor pulls the rope, the whistle sounds, and engages the attention of the engine-driver, who applies the breaks to the tender, and in case of a long train, signals to the other conductors to apply the breaks.

Although this arrangement is seldom made use of, it nevertheless answers admirably. With long trains, especially of goods waggons of different dimensions, the rope is liable to get jammed. On short trains it is, however, always in order, and is supported by "signal line supports" attached to each carriage.

Royal Hanoverian Railway Direction,
(signed) *E. Tartmant.*

Cologne and Minden Railway, Cologne,
Sir, 12 February 1853.

Allow me to reply to yours of 2d instant, as follows:—

The communication between the carriages and the locomotive is effected by means of a stout and somewhat elastic rope, which extends to the tender, and is there attached to a bolt, which being withdrawn, sets loose a spring, to which a bell is connected, thus arresting the engine-driver's attention.

The said rope (signal line) passes close to the seats of the bremsern, *i. e.*, breaksmen, and is pulled by them, when necessary, to stop the train.

I must here remark the difference of the arrangements to those in England; in Northern Germany the usual train of seven to ten six-wheeled carriages, is accompanied by a "train conductor," who has entire control; three conductors, who, during the journey, control the time-tables, and standing on the side of the carriages, watch over the safety of the passengers, and also three breaksmen, who grease the breaks and axle-trees. The passenger carriages are so arranged that the officers can pass round them when in motion. On the engine, the driver and stoker; in the baggage van is the luggage-master, who is responsible for the correct delivery of the luggage. The whole of these officers, except the last, are bound to have communication with each other, and with the police, and other stationary officers, and to pay the strictest attention to the various signals indicating anything irregular on the train or the rails.

The proper application of the signal line, which may be easily and economically arranged, has proved effectually its value after eight years' experience.

I shall be pleased if this short description be satisfactory, and happy to have been able to serve you,

Yours truly, for the Directors of the Cologne and Minden Railway,
(signed) *B. Minckwir.*

Captain Huish.

Appendix, No. 5.

De Tournay à Jurbise Railway, Bruxelles,
Sir, 23 February 1853.

In reply to your favour of the 28th ultimo, I beg to inform you that the Tournay and Jurbise lines, though constructed by a private company, are worked by the Belgian Government, with whom every sort of arrangement connected with the said working rests. I believe, however, that on the railways in this country (I speak of the State lines only), the sole mode of communication between guards and engine-drivers, is the use, by the former, of the horn employed to announce the starting of the trains.

What other means may be employed by private companies, I have no means of ascertaining at the moment. I can but indicate to you the names of the companies who work their own lines. They are the Sambre and Meuse, Namur and Liege, Antwerp and Ghent, West Flanders and Charleroi, and Erguelennes.

From competent parties connected with the above railways, you would, doubtless, obtain some specific information.

I have, &c.
M. Huish, Esq. (signed) *S. Westwood.*

Berlin, Potsdam, and Magdeburg Railway,
Sir, Railway Station, Potsdam, 28 February 1853.

In answer to your letter to the Secretary of the Berlin, Potsdam and Magdeburg Railway, dated 2d February, I hereby inform you, that the directors of the above line have ordered me to send you a plan of our means of communication between the guards and enginemen; at the same time I have to inform you, that the above-mentioned plan has been in operation here since 1840, and has been the means of preventing a great many accidents; indeed it is the only plan of a great many that have been tried on this and other lines that has been found sufficient for the purpose.

Should any further information be required, a letter addressed to the undersigned will be promptly answered.

I have, &c.

(signed) *Wm. Turner,*
Superintendent of Locomotives of the Berlin,
Potsdam, and Magdeburg Railway.

To Mr. Mark Huish,
General Manager of the London and North Western Railway.

Chief Office of the Zealand Railway Company,
Sir, Copenhagen, 5 March 1853.

In answer to your favour of February, I beg to inform you, that the system of signalizing between the guards and the engine drivers on the Zealand Railway (Copenhagen Roeskilde), is carried on by means of whistles; and at the same time I beg to observe, that the chief guards are placed in such a manner that they at all times are able to overlook the whole train.

Hoping that this information will be to your satisfaction,

I remain, &c.

(signed) *H. A. Looft,*
Secretary to the Zealand Railway Company.

The General Manager of the London and North Western Railway.

Appendix, No. 6.

MINISTÈRE DES TRAVAUX PUBLICS.

ORDONNANCE du Roi portant Règlement d'Administration Publique, sur la Police, la Sûreté et l'Exploitation des Chemins de Fer.

LOI SUR LA POLICE DES CHEMINS DE FER.

RAPPORT AU ROI.

ORDONNANCE DU ROI.

Louis-Philippe, Roi des Français,

A tous présents et à venir, Salut.

Sur le rapport de notre Ministre Secrétaire d'Etat au départment des travaux publics:

Vu l'article 9 de la loi du 11 Juin 1842, relative à l'établissement de grandes lignes de chemins de fer;

Vu la loi du 15 Juillet 1845 sur la police des chemins de fer;

Notre Conseil d'Etat entendu,

Nous avons ordonné et ordonnons ce qui suit:

Titre Premier.

DES STATIONS ET DE LA VOIE DES CHEMINS DE FER.

SECTION PREMIÈRE.—DES STATIONS.

Art. Premier.—L'entrée, le stationnement et la circulation des voitures publiques ou particulières, destinées soit au transport des personnes, soit au transport des marchandises, dans les cours dépendant des stations des chemins de fer, seront réglés par des arrêtés du préfet du département. Ces arrêtés ne seront exécutoires qu'en vertu de l'approbation du ministre des travaux publics.

SECTION II.—DE LA VOIE.

Art. 2. Le chemin de fer et les ouvrages qui en dépendent seront constamment entretenus en bon état.

La compagnie devra faire connaître au ministre des travaux publics les mesures qu'elle aura prises pour cet entretien.

Dans le cas où ces mesures seraient insuffisantes, le ministre des travaux publics, après avoir entendu la compagnie, prescrira celles qu'il jugera nécessaires.

Art. 3. Il sera placé, partout où besoin sera, des gardiens, en nombre suffisant pour assurer la surveillance et la manœuvre des aiguilles des croisements et changements de voie; en cas d'insuffisance, le nombre de ces gardiens sera fixé par le ministre des travaux publics, la compagnie entendue.

Art. 4. Partout où un chemin de fer est traversé à niveau, soit par une route à voitures, soit par un chemin destiné au passage des piétons, il sera établi des barrières.

Le mode, la garde et les conditions de service des barrières seront réglés par le ministre des travaux publics, sur la proposition de la compagnie.

Art. 5. Si l'établissement de contre-rails est jugé nécessaire dans l'intérêt de la sûreté publique, la compagnie sera tenue d'en placer sur les points qui seront désignés par le ministre des travaux publics.

Art. 6. Aussitôt après le coucher du soleil et jusqu'après le passage du dernier train, les stations et leurs abords devront être éclairés.

Il en sera de même des passages à niveau pour lesquels l'administration jugera cette mesure nécessaire.

Titre II.

DU MATERIEL EMPLOYÉ À L'EXPLOITATION.

Art. 7. Les machines locomotives ne pourront être mises en service qu'en vertu de l'autorisation de l'administration, et après avoir été soumises à toutes les épreuves prescrites par les règlements en vigueur.

Lorsque, par suite de détérioration ou pour toute autre cause, l'interdiction d'une machine aura été prononcée, cette machine n epourra être remise en service qu'en vertu d'une nouvelle autorisation.

pendix, No. 6.

Art. 8. Les essieux des locomotives, des tenders et des voitures de toute espèce, entrant dans la composition des convois de voyageurs ou dans celle des trains mixtes de voyageurs et de marchandises allant à grande vitesse, devront être en fer martelé de premier choix.

Art. 9. Il sera tenu des états de service pour toutes les locomotives. Ces états seront inscrits sur des registres qui devront être constamment à jour, et indiquer, à l'article de chaque machine, la date de sa mise en service, le travail qu'elle a accompli, les réparations ou modifications qu'elle a reçues, et le renouvellement de ses diverses pièces.

Il sera tenu en outre, pour les essieux de locomotives, tenders et voitures de toute espèce, des registres spéciaux sur lesquels, à côté du numéro d'ordre de chaque essieu, seront inscrits sa provenance, la date de sa mise en service, l'épreuve qu'il peut avoir subie, son travail, ses accidents et ses réparations; à cet effet, le numéro d'ordre sera poinçonné sur chaque essieu.

Les registres mentionnés aux deux paragraphes ci-dessus seront représentés, à toute réquisition, aux ingénieurs et agents chargés de la surveillance du matériel et de l'exploitation.

t-iron wheels ıibited.

Art. 10. Il est interdit de placer dans un convoi comprenant des voitures de voyageurs aucune locomotive, tender ou autre voiture d'une nature quelconque, montés sur des roues en fonte.

Toutefois, le ministre des travaux publics pourra, par exception, autoriser l'emploi de roues en fonte, cerclées en fer, dans les trains mixtes de voyageurs et de marchandises, et marchant à la vitesse d'au plus 25 kilomètres à l'heure.

Art. 11. Les locomotives devront être pourvues d'appareils ayant pour objet d'arrêter les fragments de coke tombant de la grille, et d'empêcher la sortie des flammèches par la cheminée.

ommodation of riages.

Art. 12. Les voitures destinées au transport des voyageurs seront d'une construction solide; elles devront être commodes et pourvues de ce qui est nécessaire à la sûreté des voyageurs.

Les dimensions de la place affectée à chaque voyageur devront être d'au moins 45 centimètres en largeur, 65 centimètres en profondeur et 1 mètre 45 centimètres en hauteur; cette disposition sera appliquée aux chemins de fer existants, dans un délai qui sera fixé pour chaque chemin par le ministre des travaux publics.

Art. 13. Aucune voiture pour les voyageurs ne sera mise en service sans une autorisation de préfet, donnée sur le rapport d'une commission, constatant que la voiture satisfait aux conditions de l'article précédent.

L'autorisation de mise en service n'aura d'effet qu'après que l'estampille prescrite pour les voitures publiques par l'article 117 de la loi du 25 mars 1817 aura été délivrée par le directeur des contributions indirectes.

Art. 14. Toute voiture de voyageurs portera dans l'intérieur l'indication apparente du nombre des places.

Art. 15. Les locomotives, tenders et voitures de toute espèce devront porter: 1° le nom ou les initiales du nom du chemin de fer auquel ils appartiennent; 2° un numéro d'ordre. Les voitures de voyageur porteront, en outre, l'estampille délivrée par l'administration des contributions indirectes. Ces diverses indications seront placées d'une manière apparente sur la caisse ou sur les côtés des châssis.

Art. 16. Les machines locomotives, tenders et voitures de toute espèce, et tout le matériel d'exploitation, seront constamment maintenus dans un bon état d'entretien.

La compagnie devra faire connaître au ministre des travaux publics les mesures adoptées par elle à cet égard, et, en cas d'insuffisance, le ministre, après avoir entendu les observations de la compagnie, prescrira les dispositions qu'il jugera nécessaires à la sûreté de la circulation.

Titre III.

de la composition des convois.

Art. 17. Tout convoi ordinaire de voyageurs devra contenir, en nombre suffisant, des voitures de chaque classe, à moins d'une autorisation spéciale du ministre des travaux publics.

Art. 18. Chaque train de voyageurs devra être accompagné:

1° D'un mécanicien et d'un chauffeur par machine: le chauffeur devra être capable d'arrêter la machine, en cas de besoin;

ıards and breaks.

2° Du nombre de conducteurs gardes-freins qui sera déterminé pour chaque chemin, suivant les pentes et suivant le nombre de voitures, par le ministre des travaux publics, sur la proposition de la compagnie.

Sur la dernière voiture de chaque convoi ou sur l'une des voitures placées à l'arrière, il y aura toujours un frein, et un conducteur chargé de le manœuvrer.

Lorsqu'il y aura plusieurs conducteurs dans un convoi, l'un d'entre eux devra toujours avoir autorité sur les autres.

ımber of carges.

Un train de voyageurs ne pourra se composer de plus de vingt-quatre voitures à quatre roues. S'il entre des voitures à six roues dans la composition du convoi, le maximum du nombre de voitures sera déterminé par le ministre.

Les dispositions des paragraphes précédents sont applicables aux trains mixtes de voyageurs et de marchandises marchant à la vitesse des voyageurs.

Quant aux convois de marchandises qui transportent en même temps des voyageurs et

des

des marchandises, et qui ne marchent pas à la vitesse ordinaire des voyageurs, les mesures spéciales et les conditions de sûreté auxquelles ils devront être assujettis seront déterminées par le ministre, sur la proposition de la compagnie.

Art. 19. Les locomotives devront être en tête des trains.

Il ne pourra être dérogé à cette disposition que pour les manœuvres à exécuter dans le voisinage des stations ou pour le cas de secours. Dans ces cas spéciaux, la vitesse ne devra pas dépasser 25 kilomètres par heure.

Art. 20. Les convois de voyageurs ne devront être remorqués que par une seule locomotive, sauf les cas où l'emploi d'une machine de renfort deviendrait nécessaire, soit pour la montée d'une rampe de forte inclinaison, soit par suite d'une affluence extraordinaire de voyageurs, de l'état de l'atmosphère, d'un accident ou d'un retard exigeant l'emploi de secours, ou de tout autre cas analogue ou spécial préalablement déterminé par le ministre des travaux publics. Trains to be drawn by one locomotive.

Il est, dans tous les cas, interdit d'atteler simultanément plus de deux locomotives à un convoi de voyageurs.

La machine placée en tête devra régler la marche du train.

Il devra toujours y avoir en tête de chaque train, entre le tender et la première voiture de voyageurs, autant de voitures ne portant pas de voyageurs qu'il y aura de locomotives attelées. Vans between engine and train.

Dans tous les cas où il sera attelé plus d'une locomotive à un train, mention en sera faite sur un registre à ce destiné, avec indication du motif de la mesure, de la station où elle aura été jugée nécessaire, et de l'heure à laquelle le train aura quitté cette station.

Ce registre sera représenté, à toute réquisition, aux fonctionnaires et agents de l'administration publique chargés de la surveillance de l'exploitation.

Art. 21. Il est défendu d'admettre, dans les convois qui portent des voyageurs, aucune matière pouvant donner lieu soit à des explosions, soit à des incendies.

Art. 22. Les voitures entrant dans la composition des trains de voyageurs seront liées entre elles par des moyens d'attache tels, que les tampons à ressort de ces voitures soient toujours en contact.

Les voitures des entrepreneurs de messageries ne pourront être admises dans la composition des trains qu'avec l'autorisation du ministre des travaux publics, et que moyennant les conditions indiquées dans l'acte d'autorisation.

Art. 23. Les conducteurs gardes-freins seront mis en communication avec le mécanicien, pour donner, en cas d'accident, le signal d'alarme, par tel moyen qui sera autorisé par le ministre des travaux publics, sur la proposition de la compagnie. Communication between guards and drivers.

Art. 24. Les trains devront être éclairés extérieurement pendant la nuit. En cas d'insuffisance du système d'éclairage, le ministre des travaux publics prescrira, la compagnie entendue, les dispositions qu'il jugera nécessaires.

Les voitures fermées, destinées aux voyageurs, devront être éclairées intérieurement pendant la nuit, et au passage des souterrains qui seront désignés par le ministre.

Titre IV.

du départ, de la circulation et de l'arrivée des convois.

Art. 25. Pour chaque chemin de fer, le ministre des travaux publics déterminera, sur la proposition de la compagnie, le sens du mouvement des trains et des machines isolées sur chaque voie, quand il y a plusieurs voies, ou les points de croisement, quand il n'y en a qu'une.

Il ne pourra être dérogé, sous aucun prétexte, aux dispositions qui auront été prescrites par le ministre, si ce n'est dans le cas où la voie serait interceptée, et, dans ce cas, le changement devra être fait avec les précautions indiquées en l'article 34 ci-après.

Art. 26. Avant le départ du train, le mécanicien s'assurera si toutes les parties de la locomotive et du tender sont en bon état, si le frein de ce tender fonctionne convenablement.

La même vérification sera faite par les conducteurs gardes-freins, en ce qui concerne les voitures et les freins de ces voitures.

Le signal du départ ne sera donné que lorsque les portières seront fermées.

Le train ne devra être mis en marche qu'après le signal du départ.

Art. 27. Aucun convoi ne pourra partir d'une station avant l'heure déterminée par le réglement de service.

Aucun convoi ne pourra également partir d'une station avant qu'il se soit écoulé, depuis le départ ou le passage du convoi précédent, le laps de temps qui aura été fixé par le ministre des travaux publics, sur la proposition de la compagnie. Interval between trains.

Des signaux seront placés à l'entrée de la station, pour indiquer aux mécaniciens des trains qui pourraient survenir si le délai déterminé en vertu du paragraphe précédent est écoulé.

Dans l'intervalle des stations, des signaux seront établis, afin de donner le même avertissement au mécanicien sur les points où il ne peut pas voir devant lui à une distance suffisante. Dès que l'avertissement lui sera donné, le mécanicien devra ralentir la marche du train. En cas d'insuffisance des signaux établis par la compagnie, le ministre prescrira, la compagnie entendue, l'établissement de ceux qu'il jugera nécessaires.

Appendix, No. 6.

Art. 28. Sauf le cas de force majeure ou de réparation de la voie, les trains ne pourront s'arrêter qu'aux gares ou lieux de stationnement autorisés pour le service des voyageurs ou des marchandises.

Les locomotives ou les voitures ne pourront stationner sur les voies du chemin de fer affectées à la circulation des trains.

Art. 29. Le ministre des travaux publics déterminera, sur la proposition de la compagnie, les mesures spéciales de précaution relatives à la circulation des trains sur les plans inclinés et dans les souterrains à une ou à deux voies, à raison de leur longueur et de leur tracé.

Il déterminera également, sur la proposition de la compagnie, la vitesse maximum que les trains de voyageurs pourront prendre sur les diverses parties de chaque ligne et la durée du trajet.

Art. 30. Le ministre des travaux publics prescrira, sur la proposition de la compagnie, les mesures spéciales de précaution à prendre pour l'expédition et la marche des convois extraordinaires.

Dès que l'expédition d'un convoi extraordinaire aura été décidée, déclaration devra en être faite immédiatement au commissaire spécial de police, avec indication du motif de l'expédition du convoi et de l'heure du départ.

Art. 31. Il sera placé le long du chemin, pendant le jour et pendant la nuit, soit pour l'entretien, soit pour la surveillance de la voie, des agents en nombre assez grand pour assurer la libre circulation des trains et la transmission des signaux; en cas d'insuffisance, le ministre des travaux publics en réglera le nombre, la compagnie entendue.

Ces agents seront pourvu de signaux de jour et de nuit à l'aide desquels ils annonceront si la voie est libre et en bon état, si le mécanicien doit ralentir sa marche ou s'il doit arrêter immédiatement le train.

Ils devront en outre signaler de proche en proche l'arrivée des convois.

Art. 32. Dans le cas où, soit un train, soit une machine isolée s'arrêterait sur la voie pour cause d'accident, le signal d'arrêt indiqué en l'article précédent devra être fait à cinq cents mètres au moins à l'arrière.

Les conducteurs principaux des convois et les mécaniciens conducteurs des machines isolées devront être munis d'un signal d'arrêt.

Art. 33. Lorsque des ateliers de réparation seront établis sur une voie, des signaux devront indiquer si l'état de la voie ne permet pas le passage des trains, ou s'il suffit de ralentir la marche de la machine.

Art. 34. Lorsque, par suite d'un accident, de réparation, ou de toute autre cause, la circulation devra s'effectuer momentanément sur une voie, il devra être placé un garde auprès des aiguilles de chaque changement de voie.

Les gardes ne laisseront les trains s'engager dans la voie unique réservée à la circulation, qu'après s'être assurés qu'ils ne seront pas rencontrés par un train venant dans un sens opposé.

Il sera donné connaissance au commissaire spécial de police du signal ou de l'ordre de service adopté pour assurer la circulation sur la voie unique.

Art. 35. La compagnie sera tenue de faire connaître au ministre des travaux publics le système de signaux qu'elle a adopté ou qu'elle se propose d'adopter pour les cas prévus par le présent titre. Le ministre prescrira les modifications qu'il jugera nécessaires.

Art. 36. Le mécanicien devra porter constamment son attention sur l'état de la voie, arrêter ou ralentir la marche en cas d'obstacles, suivant les circonstances, et se conformer aux signaux qui lui seront transmis; il surveillera toutes les parties de la machine, la tension de la vapeur et le niveau d'eau de la chaudière. Il veillera à ce que rien n'embarrasse la manœuvre du frein du tender.

Art. 37. A cinq cents mètres au moins avant d'arriver au point où une ligne d'embranchement vient croiser la ligne principale, le mécanicien devra modérer la vitesse de telle manière que le train puisse être complétement arrêté avant d'atteindre ce croisement, si les circonstances l'exigent.

Au point d'embranchement ci-dessus désigné, des signaux devront indiquer le sens dans lequel les aiguilles sont placées.

A l'approche des stations d'arrivée, le mécanicien devra faire les dispositions convenables pour que la vitesse acquise du train soit complétement amortie avant le point où les voyageurs doivent descendre, et de telle sorte qu'il soit nécessaire de remettre la machine en action pour atteindre ce point.

Art. 38. A l'approche des stations, des passages à niveau, des courbes, des tranchées et des souterrains, le mécanicien devra faire jouer le sifflet à vapeur pour avertir de l'approche du train.

Il se servira également du sifflet comme moyen d'avertissement, toutes les fois que la voie ne lui paraîtra pas complétement libre.

Art. 39. Aucune personne autre que le mécanicien et le chauffeur ne pourra monter sur la locomotive ou sur le tender, à moins d'une permission spéciale et écrite du directeur de l'exploitation du chemin de fer.

Sont

Sont exceptés de cette interdiction les ingénieurs des ponts et chaussées, les ingénieurs des mines chargés de la surveillance, et les commissaires spéciaux de police. Toutefois, ces derniers devront remettre au chef de la station ou au conducteur principal du convoi une réquisition écrite et motivée.

Art. 40. Des machines dites de secours ou de réserve devront être entretenues constamment en feu et prêtes à partir, sur les points de chaque ligne qui seront désignés par le ministre des travaux publics, sur la proposition de la compagnie.

Les règles relatives au service de ces machines seront également déterminées par le ministre, sur la proposition de la compagnie.

Art. 41. Il y aura constamment, aux lieux de dépôt des machines, un waggon chargé de tous les agrès et outils nécessaires en cas d'accident.

Chaque train devra d'ailleurs être muni des outils les plus indispensables.

Art. 42. Aux stations qui seront désignées par le ministre des travaux publics, il sera tenu des registres sur lesquels on mentionnera les retards excédant dix minutes pour les parcours dont la longueur est inférieure à 50 kilomètres, et quinze minutes pour les parcours de 50 kilomètres et au delà. Ces registres indiqueront la nature et la composition des trains, le nom des locomotives qui les ont remorqués, les heures de départ et d'arrivée, la cause et la durée du retard. Registers of times of trains.

Ces registres seront représentés, à toute réquisition, aux ingénieurs, fonctionnaires et agents de l'administration publique chargés de la surveillance du matériel et de l'exploitation.

Art. 43. Des affiches placées dans les stations feront connaître au public les heures de départ des convois ordinaires de toute sorte, les stations qu'ils doivent desservir, les heures auxquelles ils doivent arriver à chacune des stations et en partir.

Quinze jours au moins avant d'être mis à exécution, ces ordres de service seront communiqués en même temps aux commissaires royaux, au préfet du département et au ministre des travaux publics, qui pourra prescrire les modifications nécessaires pour la sûreté de la circulation ou pour les besoins du public. Notice before altering time tables.

Titre V.

DE LA PERCEPTION DES TAXES ET DES FRAIS ACCESSOIRES.

Art. 44. Aucune taxe, de quelque nature qu'elle soit, ne pourra être perçue par la compagnie qu'en vertu d'une homologation du ministre des travaux publics.

Les taxes perçues actuellement sur les chemins dont les concessions sont antérieures à 1835, et qui ne sont pas encore régularisées, devront l'être avant le 1er Avril 1847.

Art. 45. Pour l'exécution du § 1er de l'article qui précède, la compagnie devra dresser un tableau des prix qu'elle a l'intention de percevoir, dans la limite du maximum autorisé par le cahier des charges, pour le transport des voyageurs, des bestiaux, marchandises et objets divers, et en transmettre en même temps des expéditions au ministre des travaux publics, aux préfets des départements traversés par le chemin de fer et aux commissaires royaux.

Art. 46. La compagnie devra en outre, dans le plus court délai et dans les formes énoncées en l'article précédent, soumettre ses propositions au ministre des travaux publics pour les prix de transport non déterminés par le cahier des charges, et à l'égard desquels le ministre est appelé à statuer.

Art. 47. Quant aux frais accessoires, tels que ceux de chargement, de déchargement et d'entrepôt dans les gares et magasins du chemin de fer, et quant à toutes les taxes qui doivent être réglées annuellement, la compagnie devra en soumettre le règlement à l'approbation du ministre des travaux publics, dans le dixième mois de chaque année. Jusqu'à décision, les anciens tarifs continueront à être perçus.

Art. 48. Les tableaux des taxes et des frais accessoires approuvés seront constamment affichés dans les lieux les plus apparents des gares et stations des chemins de fer. Fares and charges to be made public.

Art. 49. Lorsque la compagnie voudra apporter quelques changements aux prix autorisés, elle en donnera avis au ministre des travaux publics, aux préfets des départements traversés et aux commissaires royaux.

Le public sera en même temps informé par des affiches des changements soumis à l'approbation du ministre.

A l'expiration du mois à partir de la date de l'affiche, lesdites taxes pourront être perçues, si, dans cet intervalle, le ministre des travaux publics les a homologuées. Not to be altered without notice.

Si des modifications à quelques-uns des prix affichés étaient prescrites par le ministre, les prix modifiés devront être affichés de nouveau, et ne pourront être mis en perception qu'un mois après la date de ces affiches.

Art. 50. La compagnie sera tenue d'effectuer avec soin, exactitude et célérité, et sans tour de faveur, les transports des marchandises, bestiaux et objets de toute nature qui lui seront confiés.

Au fur et à mesure que des colis, des bestiaux ou des objets quelconques arriveront au chemin de fer, enregistrement en sera fait immédiatement, avec mention du prix total dû

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pour le transport. Le transport s'effectuera dans l'ordre des inscriptions, à moins de délais demandés ou consentis par l'expéditeur, et qui seront mentionnés dans l'enregistrement.

Un récépissé devra être délivré à l'expéditeur, s'il le demande, sans préjudice, s'il y a lieu, de la lettre de voiture. Le récépissé énoncera la nature et le poids des colis, le prix total du transport et le délai dans lequel ce transport devra être effectué.

Les registres mentionnés au présent article seront représentés à toute réquisition des fonctionnaires et agents chargés de veiller à l'exécution du présent règlement.

Titre VI.

DE LA SURVEILLANCE DE L'EXPLOITATION.

Art. 51. La surveillance de l'exploitation des chemins de fer s'exercera concurremment :

Par les commissaires royaux ;

Par les ingénieurs des ponts et chaussées, les ingénieurs des mines, et par les conducteurs, les gardes-mines et autres agents sous leurs ordres ;

Par les commissaires spéciaux de police et les agents sous leurs ordres.

Art. 52. Les commissaires royaux seront chargés :

De surveiller le mode d'application des tarifs approuvés et l'exécution des mesures prescrites pour la réception et l'enregistrement des colis, leur transport et leur remise aux destinataires ;

De veiller à l'exécution des mesures approuvées ou prescrites pour que le service des transports ne soit pas interrompu aux points extrêmes de lignes en communication l'une avec l'autre ;

De vérifier les conditions des traités qui seraient passés par les compagnies avec les entreprises de transport par terre ou par eau en correspondance avec les chemins de fer, et de signaler toutes les infractions au principe de l'égalité des taxes ;

De constater le mouvement de la circulation des voyageurs et des marchandises sur les chemins de fer, les dépenses d'entretien et d'exploitation, et les recettes.

Art. 53. Pour l'exécution de l'article ci-dessus, les compagnies seront tenues de représenter, à toute réquisition, aux commissaires royaux leurs registres de dépenses et de recettes, et les registres mentionnés à l'article 50 ci-dessus.

Art. 54. A l'égard des chemins de fer pour lesquels les compagnies auraient obtenu de l'Etat soit un prêt avec intérêt privilégié, soit la garantie d'un minimum d'intérêt, ou pour lesquels l'Etat devrait entrer en partage des produits nets, les commissaires royaux exerceront toutes les autres attributions qui seront déterminées par les règlements spéciaux à intervenir dans chaque cas particulier.

Art. 55. Les ingénieurs, les conducteurs et autres agents du service des ponts et chaussées seront spécialement chargés de surveiller l'état de la voie de fer, des terrassements et des ouvrages d'art et des clôtures.

Art. 56. Les ingénieurs des mines, les gardes-mines et autres agents du service des mines seront spécialement chargés de surveiller l'état des machines fixes et locomotives employées à la traction des convois, et, en général, de tout le matériel roulant servant à la exploitation.

Ils pourront être suppléés par les ingénieurs, conducteurs et autres agents du service des ponts et chaussées, et réciproquement.

Art. 57. Les commissaires spéciaux de police et les agents sous leurs ordres sont chargés particulièrement de surveiller la composition, le départ, l'arrivée, la marche et les stationnements des trains, l'entrée, le stationnement et la circulation des voitures dans les cours et stations, l'admission du public dans les gares et sur les quais des chemins de fer.

Art. 58. Les compagnies sont tenues de fournir des locaux convenables pour les commissaires spéciaux de police et les agents de surveillance.

Art. 59. Toutes les fois qu'il arrivera un accident sur le chemin de fer, il en sera fait immédiatement déclaration à l'autorité locale et au commissaire spécial de police, à la diligence du chef du convoi. Le préfet du département, l'ingénieur des ponts et chaussées et l'ingénieur des mines chargés de la surveillance et le commissaire royal en seront immédiatement informés par les soins de la compagnie.

Art. 60. Les compagnies devront soumettre à l'approbation du ministre des travaux publics leurs règlements relatifs au service et à l'exploitation des chemins de fer.

Titre VII.

DES MESURES CONCERNANT LES VOYAGEURS ET LES PERSONNES ÉTRANGERÈS AU SERVICE DU CHEMIN DE FER.

Art. 61. Il est défendu à toute personne étrangère au service du chemin de fer :

1° De s'introduire dans l'enceinte du chemin de fer, d'y circuler ou stationner ;

2° D'y jeter ou déposer aucuns matériaux ni objets quelconques ;

3° D'y introduire des chevaux, bestiaux ou animaux d'aucune espèce ;

4° D'y faire circuler ou stationner aucunes voitures, waggons ou machines étrangères au service.

Art. 62.

Art. 62. Sont exceptés de la défense portée au premier paragraphe de l'article précédent, les maires et adjoints, les commissaires de police, les officiers de gendarmerie, les gendarmes et autres agents de la force publique, les préposés aux douanes, aux contributions indirectes et aux octrois, les gardes champêtres et forestiers, dans l'exercice de leurs fonctions et revêtus de leurs uniformes ou de leurs insignes.

Dans tous les cas, les fonctionnaires et les agents désignés au paragraphe précédent seront tenus de se conformer aux mesures spéciales de précaution qui auront été déterminées par le ministre, la compagnie entendue.

Art. 63. Il est défendu :

1° D'entrer dans les voitures sans avoir pris un billet, et de se placer dans une voiture d'une autre classe que celle qui est indiquée par le billet ;

2° D'entrer dans les voitures ou d'en sortir autrement que par la portière qui fait face au côté extérieur de la ligne du chemin de fer ;

3° De passer d'une voiture dans une autre, de se pencher au dehors.

Les voyageurs ne doivent sortir des voitures qu'aux stations, et lorsque le train est complétement arrêté.

Il est défendu de fumer dans les voitures ou sur les voitures et dans les gares ; toutefois, à la demande de la compagnie et moyennant des mesures spéciales de précaution, des dérogations à cette disposition pourront être autorisées.

Les voyageurs sont tenus d'obtempérer aux injonctions des agents de la compagnie pour l'observation des dispositions mentionnées aux paragraphes ci-dessus.

Art. 64. Il est interdit d'admettre dans les voitures plus de voyageurs que ne le comporte le nombre de places indiqué conformément à l'article 14 ci-dessus.

Art. 65. L'entrée des voitures est interdite :

1° A toute personne en état d'ivresse.

2° A tous individus porteurs d'armes à feu chargées ou de paquets qui, par leur nature, leur volume ou leur odeur, pourraient gêner ou incommoder les voyageurs.

Tout individu porteur d'une arme à feu devra, avant son admission sur les quais d'embarquement, faire constater que son arme n'est point chargée.

Art. 66. Les personnes qui voudront expédier des marchandises de la nature de celles qui sont mentionnées à l'article 21 devront les déclarer au moment où elles les apporteront dans les stations du chemin de fer.

Des mesures spéciales de précaution seront prescrites, s'il y a lieu, pour le transport desdites marchandises, la compagnie entendue.

Art. 67. Aucun chien ne sera admis dans les voitures servant au transport des voyageurs ; toutefois, la compagnie pourra placer dans des caisses de voitures spéciales les voyageurs qui ne voudraient pas se séparer de leurs chiens, pourvu que ces animaux soient muselés, en quelque saison que ce soit.

Art. 68. Les cantonniers, gardes-barrières et autres agents du chemin de fer devront faire sortir immédiatement toute personne qui se serait introduite dans l'enceinte du chemin, ou dans quelque portion que ce soit de ses dépendances où elles n'auraient pas le droit d'entrer.

En cas de résistance de la part des contrevenants, tout employé du chemin de fer pourra requérir l'assistance des agents de l'administration et de la force publique.

Les chevaux ou bestiaux abandonnés, qui seront trouvés dans l'enceinte du chemin de fer, seront saisis et mis en fourrière.

Titre VIII.

DISPOSITIONS DIVERSES.

Art. 69. Dans tous les cas où, conformément aux dispositions du présent règlement, le ministre des travaux publics devra statuer sur la proposition d'une compagnie, la compagnie sera tenue de lui soumettre cette proposition dans le délai qu'il aura déterminé, faute de quoi le ministre pourra statuer directement.

Si le ministre pense qu'il y a lieu de modifier la proposition de la compagnie, il devra, sauf le cas d'urgence, entendre la compagnie avant de prescrire les modifications.

Art. 70. Aucun crieur, vendeur ou distributeur d'objets quelconques ne pourra être admis par les compagnies à exercer sa profession dans les cours ou bâtiments des stations et dans les salles d'attente destinées aux voyageurs, qu'en vertu d'une autorisation spéciale du préfet du département.

Art. 71. Lorsqu'un chemin de fer traverse plusieurs départements, les attributions conférées aux préfets par le présent règlement pourront être centralisées en tout ou en partie dans les mains de l'un des préfets des départements traversés.

Art. 72. Les attributions données aux préfets des départements par la présente ordonnance seront, conformément à l'arrêté du 3 brumaire an 9, exercées par le préfet de police dans toute l'étendue du département de la Seine, et dans les communes de Saint-Cloud, Meudon et Sèvres, département de Seine-et-Oise.

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Art. 73. Tout agent employé sur les chemins de fer sera revêtu d'un uniforme ou porteur d'un signe distinctif; les cantonniers, gardes-barrières et surveillants pourront être armés d'un sabre.

Art. 74. Nul ne pourra être employé en qualité de mécanicien conducteur de train, s'il ne produit des certificats de capacité délivrés dans les formes qui seront déterminées par le ministre des travaux publics.

Art. 75. Aux stations désignées par le ministre, les compagnies entretiendront les médicaments et moyens de secours nécessaires en cas d'accident.

Art. 76. Il sera tenu dans chaque station un registre coté et parafé, à Paris, par le préfet de police, ailleurs, par le maire du lieu, lequel sera destiné à recevoir les réclamations des voyageurs qui auraient des plaintes à former, soit contre la compagnie, soit contre ses agents. Ce registre sera présenté à toute réquisition des voyageurs.

Art. 77. Les registres mentionnés aux articles 9, 20 et 42 ci-dessus seront cotés et parafés par le commissaire de police.

Art. 78. Des exemplaires du présent règlement seront constamment affichés, à la diligence des compagnies, aux abords des bureaux des chemins de fer et dans les salles d'attente.

Le conducteur principal d'un train en marche devra également être muni d'un exemplaire du règlement.

Des extraits devront être délivrés, chacun pour ce qui le concerne, aux mécaniciens, chauffeurs, gardes-freins, cantonniers, gardes-barrières et autres agents employés sur le chemin de fer.

Des extraits, en ce qui concerne les règles à observer par les voyageurs pendant le trajet, devront être placés dans chaque caisse de voiture.

Art. 79. Seront constatées, poursuivies et réprimées, conformément au titre III de la loi du 15 juillet 1845, sur la police des chemins de fer, les contraventions au présent règlement, aux décisions rendues par le ministre des travaux publics, et aux arrêtés pris, sous son approbation, par les préfets, pour l'exécution dudit règlement.

Art. 80. Notre ministre secrétaire d'Etat des travaux publics est chargé de l'exécution de la présente ordonnance, qui sera insérée au Bulletin des lois.

Fait au Palais de Saint-Cloud, le quinze novembre mil huit cent quarante-six.

(signé) *Louis-Philippe.*

Par le Roi:

Le Ministre Secrétaire d'Etat des travaux publics,

S. Dumon.

Loi sur la Police des Chemins de Fer.

Titre Premier.

MESURES RELATIVES À LA CONSERVATION DES CHEMINS DE FER.

Art. 1. Les chemins de fer construits ou concédés par l'Etat font partie de la grande voirie.

Art. 2. Sont applicables aux chemins de fer les lois et règlements sur la grande voirie qui ont pour objet d'assurer la conservation des fossés, talus, levées et ouvrages d'art dépendant des routes, et d'interdire, sur toute leur étendue, le pacage des bestiaux et les dépôts de terre et autres objets quelconques.

Art. 3. Sont applicables aux propriétés riveraines des chemins de fer les servitudes imposées par les lois et règlements sur la grande voirie, et qui concernent:

L'alignement,

L'écoulement des eaux,

L'occupation temporaire des terrains en cas de réparation,

La distance à observer pour les plantations et l'élagage des arbres plantés,

Le mode d'exploitation des mines, minières, tourbières, carrières et sablières, dans la zone déterminée à cet effet.

Sont également applicables à la confection et à l'entretien des chemins de fer les lois et règlements sur l'extraction des matériaux nécessaires aux travaux publics.

Art. 4. Tout chemin de fer sera clos des deux côtés et sur toute l'étendue de la voie.

L'administration déterminera, pour chaque ligne, le mode de cette clôture, et, pour ceux des chemins qui n'y ont pas été assujettis, l'époque à laquelle elle devra être effectuée.

Partout où les chemins de fer croiseront de niveau les routes de terre, des barrières seront établies et tenues fermées, conformément aux règlements.

Art. 5. A l'avenir, aucune construction autre qu'un mur de clôture ne pourra être établi dans une distance de deux mètres d'un chemin de fer.

Cette distance sera mesurée, soit de l'arête supérieure du déblai, soit de l'arête inférieure du talus du remblai, soit du bord extérieur des fossés du chemin, et, à defaut, d'une ligne tracée à un mètre cinquante centimètres à partir des rails extérieurs de la voie de fer.

Les

Les constructions existantes au moment de la promulgation de la présente loi, ou lors de l'établissement d'un nouveau chemin de fer, pourront être entretenues dans l'état où elles se trouveront à cette époque.

Un règlement d'administration publique déterminera les formalités à remplir par les propriétaires pour faire constater l'état desdites constructions, et fixera le délai dans lequel ces formalités devront être remplies.

Art. 6. Dans les localités où le chemin de fer se trouvera en remblai de plus de trois mètres au-dessus du terrain naturel, il est interdit aux riverains de pratiquer, sans autorisation préalable, des excavations dans une zone de largeur égale à la hauteur verticale du remblai, mesurée à partir du pied du talus.

Cette autorisation ne pourra être accordée sans que les concessionnaires ou fermiers de l'exploitation du chemin de fer aient été entendus ou dûment appelés.

Art. 7. Il est défendu d'établir, à une distance de moins de vingt mètres d'un chemin de fer desservi par des machines à feu, des couvertures en chaume, des meules de paille, de foin, et aucun autre dépôt de matières inflammables.

Cette prohibition ne s'étend pas aux dépôts de récoltes faits seulement pour le temps de la moisson.

Art. 8. Dans une distance de moins de cinq mètres d'un chemin de fer, aucun dépôt de pierres ou objets non inflammables ne peut être établi sans l'autorisation préalable du préfet.

Cette autorisation sera toujours révocable.

L'autorisation n'est pas nécessaire,

1° Pour former, dans les localités où le chemin de fer est en remblai, des dépôts de matières non inflammables, dont la hauteur n'excède pas celle du remblai du chemin ;

2° Pour former des dépôts temporaires d'engrais et autres objets nécessaires à la culture des terres.

Art. 9. Lorsque la sûreté publique, la conservation du chemin et la disposition des lieux le permettront, les distances déterminées par les articles précédents pourront être diminuées en vertu d'ordonnances royales rendues après enquêtes.

Art. 10. Si, hors des cas d'urgence prévus par la loi des 16-24 août 1790, la sûreté publique ou la conservation du chemin de fer l'exige, l'administration pourra faire supprimer, moyennant une juste indemnité, les constructions, plantations, excavations, couvertures en chaume, amas de matériaux combustibles ou autres, existant, dans les zones ci-dessus spécifiées, au moment de la promulgation de la présente loi, et, pour l'avenir, lors de l'établissement du chemin de fer.

L'indemnité sera réglée, pour la suppression des constructions, conformément aux titres IV et suivants de la loi du 3 mai 1841, et, pour tous les autres cas, conformément à la loi du 16 septembre 1807.

Art. 11. Les contraventions aux dispositions du présent titre seront constatées, poursuivies et réprimées comme en matière de grande voirie.

Elles seront punies d'une amende de seize à trois cents francs, sans préjudice, s'il y a lieu, des peines portées au Code pénal at au titre III de la présente loi. Les contrevenants seront, en outre, condamnés à supprimer, dans le délai déterminé par l'arrêté du conseil de préfecture, les excavations, couvertures, meules ou dépôts faits contrairement aux dispositions précédentes.

A défaut par eux de satisfaire à cette condamnation dans le délai fixé, la suppression aura lieu d'office, et le montant de la dépense sera recouvré contre eux par voie de contrainte, comme en matière de contributions publiques.

Titre II.

DES CONTRAVENTIONS DE VOIRIE COMMISES PAR LES CONCESSIONNAIRES OU FERMIERS DE CHEMINS DE FER.

Art. 12. Lorsque le concessionnaire ou le fermier de l'exploitation d'un chemin de fer contreviendra aux clauses du cahier des charges, ou aux décisions rendues en exécution de ces clauses, en ce qui concerne le service de la navigation, la viabilité des routes royales, départementales ou vicinales, ou le libre écoulement des eaux, procès-verbal sera dressé de la contravention, soit par les ingénieurs des ponts et chaussées ou des mines, soit par les conducteurs, gardes-mines et piqueurs, dûment assermentés.

Art. 13. Les procès-verbaux, dans les quinze jours de leur date, seront notifiés administrativement au domicile élu par le concessionnaire ou le fermier, à la diligence du préfet, et transmis dans le même délai au conseil de préfecture du lieu de la contravention.

Art. 14. Les contraventions prévues à l'article 12 seront punies d'une amende de trois cents francs à trois mille francs.

Art. 15. L'administration pourra d'ailleurs prendre immédiatement toutes mesures provisoires pour faire cesser le dommage, ainsi qu'il est procédé en matière de grande voirie.

Les frais qu'entraînera l'exécution de ces mesures seront recouvrés, contre le concessionnaire ou fermier, par voie de contrainte, comme en matière de contributions publiques.

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Titre III.

DES MESURES RELATIVES À LA SÛRETÉ DE LA CIRCULATION SUR LES CHEMINS DE FER.

Art. 16. Quiconque aura volontairement détruit ou dérangé la voie de fer, placé sur la voie un objet faisant obstacle à la circulation, ou employé un moyen quelconque pour entraver la marche des convois ou les faire sortir des rails, sera puni de la reclusion.

S'il y a eu homicide ou blessures, le coupable sera, dans le premier cas, puni de mort, et, dans le second, de la peine des travaux forcés à temps.

Art. 17. Si le crime prévu par l'article 16 a été commis en réunion séditieuse, avec rébellion ou pillage, il sera imputable aux chefs, auteurs, instigateurs et provocateurs de ces réunions, qui seront punis comme coupables du crime et condamnés aux mêmes peines que ceux qui l'auront personnellement commis, lors même que la réunion séditieuse n'aurait pas eu pour but direct et principal la destruction de la voie de fer.

Toutefois, dans ce dernier cas, lorsque la peine de mort sera applicable aux auteurs du crime, elle sera remplacée, à l'égard des chefs, auteurs, instigateurs, et provocateurs de ces réunions, par la peine des travaux forcés à perpétuité.

Art. 18. Quiconque aura menacé, par écrit anonyme ou signé, de commettre un des crimes prévus en l'article 16, sera puni d'un emprisonnement de trois à cinq ans, dans le cas où la menace aurait été faite avec ordre de déposer une somme d'argent dans un lieu indiqué, ou de remplir toute autre condition.

Si la menace n'a été accompagnée d'aucun ordre ou condition, la peine sera d'un emprisonnement de trois mois à deux ans et d'une amende de cent à cinq cents francs.

Si la menace avec ordre ou condition a été verbale, le coupable sera puni d'un emprisonnement de quinze jours à six mois et d'une amende de vingt-cinq à trois cents francs.

Dans tous les cas, le coupable pourra être mis par le jugement sous la surveillance de la haute police, pour un temps qui ne pourra être moindre de deux ans ni excéder cinq ans.

Art. 19. Quiconque, par maladresse, imprudence, inattention, négligence, ou inobservation des lois ou règlements, aura involontairement causé sur un chemin de fer, ou dans les gares ou stations, un accident qui aura occasionné des blessures, sera puni de huit jours à six mois d'emprisonnement et d'une amende de cinquante à mille francs.

Si l'accident a occasionné la mort d'une ou plusieurs personnes, l'emprisonnement sera de six mois à cinq ans et l'amende de trois cents à trois mille francs.

Art. 20. Sera puni d'un emprisonnement de six mois à deux ans tout mécanicien ou conducteur garde-frein qui aura abandonné son poste pendant la marche du convoi.

Art. 21. Toute contravention aux ordonnances royales portant règlement d'administration publique sur la police, la sûreté et l'exploitation du chemin de fer, et aux arrêtés pris par les préfets, sous l'approbation du ministre des travaux publics, pour l'exécution desdites ordonnances, sera punie d'une amende de seize à trois mille francs.

En cas de récidive dans l'année, l'amende sera portée au double, et le tribunal pourra, selon les circonstances, prononcer, en outre, un emprisonnement de trois jours à un mois.

Art. 22. Les concessionnaires ou fermiers d'un chemin de fer seront responsibles, soit envers l'Etat, soit envers les particuliers, du dommage causé par les administrateurs, directeurs ou employés à un titre quelconque au service de l'exploitation du chemin de fer.

L'Etat sera soumis à la même responsabilité envers les particuliers, si le chemin de fer est exploité à ses frais et pour son compte.

Art. 23. Les crimes, délits ou contraventions prévus dans les titres Ier et III de la présente loi pourront être constatés par des procès-verbaux dressés concurremment par les officiers de police judiciaire, les ingénieurs des ponts et chaussées et des mines, les conducteurs, gardes-mines, agents de surveillance et gardes nommés ou agréés par l'administration et dûment assermentés.

Les procès-verbaux des délits et contraventions feront foi jusqu'à preuve contraire.

Au moyen du serment prêté devant le tribunal de première instance de leur domicile, les agents de surveillance de l'administration et des concessionnaires ou fermiers pourront verbaliser sur toute la ligne du chemin de fer auquel ils seront attachés.

Art. 24. Les procès-verbaux dressés en vertu de l'article précédent seront visés pour timbre et enregistrés en débet.

Ceux qui auront été dressés par des agents de surveillance et gardes assermentés devront être affirmés dans les trois jours, à peine de nullité, devant le juge de paix ou le maire, soit du lieu du délit ou de la contravention, soit de la résidence de l'agent.

Art. 25. Toute attaque, toute résistance avec violence et voies de fait envers les agents des chemins de fer, dans l'exercice de leurs fonctions, sera punie des peines appliquées à la rébellion, suivant les distinctions faites par le Code pénal.

Art. 26. L'article 463 du Code pénal est applicable aux condamnations qui seront prononcées en exécution de la présente loi.

Art. 27. En cas de conviction de plusieurs crimes ou délits prévus par la présente loi ou par le Code pénal, la peine la plus forte sera seule prononcée.

Les peines encourues pour des faits postérieurs à la poursuite pourront être cumulées, sans préjudice des peines de la récidive.

RAPPORT AU ROI.

Sire,

DEPUIS que les chemins de fer ont commencé à se naturaliser sur le sol de la France, l'administration a dû se préoccuper des moyens de prévenir les dangers qui peuvent naître de ce mode nouveau de communication. Les chemins de fer, d'ailleurs, qu'ils soient concédés ou non, font essentiellement partie du domaine public; ils ne peuvent, ils ne doivent être exploités que dans l'intérêt de tous, et c'est à l'autorité publique qu'il appartient d'en régler l'usage. Aussi a-t-on pris soin d'insérer dans les actes de concession une clause ainsi conçue: "Des règlements d'administration publique détermineront les mesures nécessaires pour assurer la police, la sûreté et l'usage du chemin de fer et des ouvrages qui en dépendent."

Cette disposition a été reproduite d'une manière générale dans la loi du 11 juin 1842, qui a décrété le réseau des grandes lignes de chemins de fer à ouvrir sur le territoire du royaume; enfin, elle est consacrée dans la loi du 15 juillet 1845, sur la police des chemins de fer: elle doit donc être considerée aujourd'hui comme une disposition de droit commun applicable à chacune de ces voies nouvelles de communication.

Jusqu'ici, toutefois, Sire, pour aucun des chemins de fer exécutés en France, l'administration supérieure n'a provoqué les règlements d'administration publique prévus par la loi. L'expérience était trop récente pour qu'il fût possible de soumettre à la sanction de votre Majesté les mesures relatives à la police de ces chemins, et l'on s'est borné à des règlements provisoires auxquels on apportait successivement les modifications dont chaque jour faisait reconnaître l'utilité ou la convenance.

Mais le temps a marché: aujourd'hui, soit en France, soit à l'étranger, les chemins de fer en exploitation se sont multipliés; des accidents déjà trop nombreux, et dont quelques-uns malheureusement ont eu une grande gravité, sont venus révéler les points sur lesquels devait se porter de préférence l'attention de l'autorité, et le moment est venu de régler les mesures d'ordre et de police à observer sur les chemins de fer. Je viens soumettre, en conséquence, à la signature de votre Majesté le projet de règlement général que j'ai préparé dans ce but.

Ce projet est le fruit de longues et laborieuses méditations: le conseil des ponts et chaussées (section des chemins de fer), le conseil d'État, après le conseil des ponts et chaussées, y ont consacré de nombreuses séances et y ont apporté successivement de nombreuses améliorations; les compagnies exploitantes ont été entendues; enfin, avant d'arrêter une rédaction définitive, je me suis entouré de toutes les lumières, j'ai consulté l'expérience des hommes pratiques, et je crois, dès lors, pouvoir soumettre avec confiance le projet ci-joint à l'approbation de votre Majesté.

Je ne dois pas, d'ailleurs, omettre d'ajouter qu'en ce qui touche les mesures relatives à la sûreté de la circulation sur la voie des chemins de fer, j'ai trouvé les plus utiles renseignements dans le travail d'une commission que mon prédécesseur avait instituée; après la fatale catastrophe du 8 mai 1842, pour étudier les questions relatives aux essieux des locomotives et des voitures employées à l'exploitation, et pour rechercher les mesures les plus propres à prévenir le retour d'aussi déplorables accidents. Cette commission, composée en partie d'hommes étrangers à l'administration, de constructeurs de machines, d'ingénieurs de compagnies et d'industriels, s'est dévouée, avec un zèle digne des plus grands éloges, à l'examen de toutes les questions qui touchent à l'exploitation des chemins de fer, et je suis heureux de lui payer ici le juste tribut de la reconnaissance de l'administration.

Le projet de règlement que j'ai l'honneur de mettre sous les yeux de votre Majesté devant s'appliquer à tous les chemins de fer, j'ai dû, autant que possible, n'y poser que des principes généraux; l'administration supérieure réglera, dans chaque cas particulier, les conditions particulières que pourront exiger les circonstances spéciales de chaque chemin. Cette marche était la seule qui pût se concilier avec les nécessités diverses de chaque exploitation de chemin de fer; aussi le conseil d'État y a-t-il donné son approbation. Il a reconnu qu'il n'était pas possible de résoudre, dans un règlement général, les différents cas qui peuvent se présenter, et qu'il était indispensable, dans beaucoup de circonstances, de donner à l'administration une délégation spéciale. Tel est également l'esprit de la loi du 15 juillet 1845, qui prononce des pénalités contre les infractions aux arrêtés des préfets pris sous l'approbation du ministre des travaux publics.

Votre Majesté daignera remarquer encore que dans beaucoup d'articles, dans ceux surtout qui touchent au régime et aux détails de l'exploitation, l'administration ne devra statuer que sur la proposition des compagnies, ou même qu'après avoir reconnu l'insuffisance des mesures adoptées par elles. Pour la détermination de ces mesures, deux partis pouvaient être suivis: ou les spécifier immédiatement dans le règlement, ou en laisser l'initiative aux compagnies, en déférant à l'administration le soin de contrôler et le droit de décider et d'ordonner. C'est à ce dernier parti que j'ai cru devoir m'arrêter. Les compagnies sont chargées directement de l'exploitation des chemins de fer; elles en sont responsables vis-à-vis du public comme vis-à-vis de l'administration; elles ont un intérêt immense à prévenir les accidents, et à organiser un service qui inspire sécurité et confiance. Les études journalières auxquelles elles doivent se livrer dans ce but, l'expérience qu'acquièrent tous les jours les personnes qu'elles emploient, les mettent à même de reconnaître et de constater les changements et les améliorations qu'il convient d'apporter à telle ou telle partie de l'exploitation. L'administration, qui contrôlera leurs actes, qui recevra leurs propositions, les approuvera ou les modifiera, suivant les conseils et les lumières des personnes qui seront instituées près d'elle pour l'éclairer sur ces matières difficiles.

On comprend de suite les conséquences de ce système.

Il assure dans une juste mesure aux compagnies exploitantes la liberté d'action qu'il est indispensable de leur laisser, si on veut que leur responsabilité soit sérieuse et réelle.

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Il ouvre accès aux idées nouvelles, aux progrès de toute nature que les hommes immédiatement préposés à la pratique des chemins de fer sont plus à même que tous autres de concevoir et de réaliser.

Enfin, il réserve à l'administration publique la part d'autorité qui doit lui appartenir, et qu'elle peut ainsi, éclairée par les doubles conseils de la théorie et de la pratique, exercer plus utilement dans l'intérêt public.

Après avoir posé les principes généraux qui ont presidé à la rédaction du règlement, je dois entrer dans quelques détails sur chacune des parties dont il se compose.

Il se divise naturellement en autant de titres qu'il y a d'objets différents sur lesquels doit porter la surveillance de l'autorité.

Le premier concerne la voie et ses abords ;

Le second, le matériel employé à l'exploitation ;

Le troisième indique les conditions relatives à la formation des trains ;

Le quatrième concerne le départ, la circulation et l'arrivée des convois ;

Le cinquième renferme toutes les mesures d'ordre à observer par les compagnies pour la perception des taxes ;

Le sixième traite de la surveillance que l'administration doit exercer sur l'exploitation, et des divers ordres d'agents appelés à concourir à cette surveillance ;

Le septième définit les mesures à observer par les voyageurs ;

Le huitième, enfin, contient des dispositions diverses qui n'appartiennent spécialement à aucune des matières ci-dessus indiquées.

A l'égard du titre Ier, j'aurai peu de choses à dire pour en justifier les dispositions.

Et d'abord, en ce qui touche les stations, il suffit de rappeler qu'elles font, comme les chemins eux-mêmes, partie du domaine public, et qu'à ce titre l'usage doit en être également réglé par l'administration supérieure C'est, au surplus, ce qui a déjà été consacré par des décisions judiciaires qui ont pleinement établi sur ce point la doctrine que consacre le règlement. L'entrée, la circulation, le stationnement des voitures publiques ou particulières destinées, soit au transport des personnes, soit au transport des marchandises, seront réglés par des arrêtés du préfet du département, sous l'approbation du ministre des travaux publics. Ces dispositions préviendront les conflits qui se sont élevés plusieurs fois entre des compagnies et des entrepreneurs de voitures publiques, et qui ont même donné lieu, comme je viens de le dire, à des débats judiciaires.

En ce qui concerne la voie et les ouvrages qui en dépendent, évidemment le choix du mode d'entretien doit être laissé aux compagnies ; mais elles devront faire connaître à l'administration les mesures qu'elles auront prises, et, en cas d'insuffisance, l'administration interviendra pour prescrire toutes les dispositions supplémentaires qu'elle jugera nécessaires à la sûreté de la circulation.

Les croisements de voie ont donné lieu quelquefois, et surtout quand ils doivent être parcourus à grande vitesse, à des déraillements : il convient qu'ils soient l'objet d'une surveillance particulière. Si la surveillance exercée par la compagnie est insuffisante, l'administration avertie prescrira immédiatement, aux termes de l'article 3, les mesures auxquelles la compagnie sera tenue de se conformer.

Si le profil d'un chemin de fer pouvait être disposé de manière qu'à la rencontre de toutes les voies de communication le chemin passât, soit au-dessous, soit au-dessus de ces voies, l'article 4 du règlement deviendrait inutile ; mais cette condition ne saurait être obtenue sans occasionner d'immenses dépenses, et sur beaucoup de points il faut admettre que le chemin de fer traversera à niveau les voies publiques ; mais alors des barrières doivent être établies pour garantir la sûreté publique ; la loi sur la police des chemins de fer a posé le principe de cette obligation ; le ministre des travaux publics sera chargé de régler pour chaque cas le mode, la garde et les conditions de service des barrières.

Les remblais élevés, les viaducs qui servent au passage des rivières ou de vallées profondes, pourraient donner lieu à de graves accidents, si une sortie de la voie avait lieu au moment où les trains les parcourent ; il en serait de même a l'égard des parties de chemins situées le long d'une rivière ou d'un précipice. Pour prévenir ces accidents, il pourra être ulterieurement reconnu indispensable de les munir de contre-rails. Je ne dois pas, toutefois, laisser ignorer à votre Majesté que les esprits sont très-partagés sur les avantages de cette mesure : il est même des personnes qui regardent les contre-rails comme une cause de danger. Aussi votre Majesté voudra bien remarquer que la prescription de l'article 5 n'est pas absolue, et qu'elle est subordonnée à une condition dont le jugement est remis à l'expérience.

Je ne m'arrête pas à l'article 6, qui prescrit l'éclairage des stations et de leurs abords, ainsi que des passages à niveau où cette mesure de précaution serait jugée nécessaire : tout développement à cet égard me paraît superflu.

La matériel d'exploitation, on doit le comprendre aisément, n'exige pas une surveillance moins attentive et moins assidue que la voie du chemin de fer.

En premier lieu, les machines locomotives, en ce qui touche leur appareil moteur et les réservoirs dans lesquels la vapeur se forme et s'accumule, doivent être, comme tous les appareils à vapeur, soumis à certaines épreuves et à une surveillance continue ; ces épreuves et le mode de cette surveillance sont, au surplus, déjà réglés par l'ordonnance de votre Majesté du 22 mai 1843, et il suffit de rappeler sur ce point les obligations générales imposées aux compagnies.

Quant aux autres éléments des machines, à leurs essieux, roues, ressorts de suspension et de traction, et généralement à toutes les parties qui servent à la locomotion rapide, elles devront être l'objet de l'examen le plus sévère.

Ce-

Ce que je dis des roues et des essieux de machines, je puis le dire également des roues et des essieux de tenders et voitures de toute nature servant au transport des voyageurs.

La rupture d'un essieu de locomotive et de voiture, en amenant un déraillement, peut quelquefois donner naissance aux plus graves accidents; il est donc indispensable, d'une part, que les essieux des locomotives et des voitures de voyageurs soient composés de fer martelé de premier choix, et qu'ils ne soient admis qu'à cette condition, et, d'autre part, qu'après leur admission, il soient l'objet d'un contrôle continu. Bien des questions, sans doute, restent encore à résoudre, en ce qui touche les essieux, soit sur la durée du service qu'ils peuvent faire, soit sur les altérations que peuvent produire dans leur constitution les chocs et les vibrations auxquels ils sont soumis sur les chemins de fer; mais, en attendant ce que l'expérience pourra nous apprendre sur ces questions, il faut au moins prescrire toutes les précautions dont la pratique a démontré l'utilité.

Les articles du titre II du projet de règlement répondent à ce grand intérêt.

Je crois devoir dire ici quelques mots de la clause contenue en l'article 11, et d'après laquelle les locomotives devront être munies d'appareils propres à arrêter les fragments de coke tombant de la grille ou à empêcher la sortie des flammèches par la cheminée. Le but de cette clause est facile à saisir: lorsque les locomotives sont en marche, si elles sont dépourvues de cendriers, il s'échappe du foyer des fragments de coke incandescent qui sont projetés au loin, et qui, venant à rencontrer quelques matières combustibles, des bois, des chaumes, des céréales, peuvent y mettre le feu, comme on en a déjà vu plusieurs exemples; en même temps, à raison du grand courant d'air qui, par suite de la rapidité même du mouvement, s'établit du foyer vers la cheminée, un grand nombre de particules embrasées sont emportées en dehors du tuyau, et plusieurs fois déjà ces flammèches ont occasionné des incendies.

Pour arrêter les fragments de coke sortant de la grille, le seul moyen connu jusqu'ici est l'emploi d'un cendrier; mais le cendrier lui-même a quelques inconvénients, et, dans l'espérance qu'il sera possible de trouver un moyen plus sûr, il convient de se borner à prescrire l'application d'un appareil quelconque propre à atteindre le même but.

Quant aux flammèches qui s'échappent par la cheminée, l'on connaît et l'on applique divers moyens pour en empêcher la sortie, mais aucun d'eux n'a paru jusqu'ici complétement satisfaisant; j'ai dû me borner, dès lors, à prescrire l'emploi d'un appareil propre à remplir la destination ci-dessus indiquée.

Le titre III, relatif à la composition des convois, contient plusieurs dispositions d'une haute importance.

Il est évident que, les chemins de fer devenant en quelque sorte pour les localités qu'ils traversent une voie unique de communication, par la suppression presque immédiate de tout moyen de transport sur les anciennes voies parallèles, il est indispensable de poser la règle générale que tout convoi ordinaire doit contenir un nombre suffisant de voitures de toute classe. Le public, prévenu des heures de départ, doit trouver à ces mêmes heures, et à son désir, des moyens certains de transport. Cette obligation imposée aux compagnies ne peut être contestée; elle doit être la loi commune des chemins de fer: aussi nous l'avons inscrite en tête du titre III. Mais d'un autre côté, on conçoit aussi que, dans l'intérêt même du public, cette obligation peut ne pas s'étendre à certains convois, par exemple, aux convois qu'on appelle convois directs, qui ne s'arrêtent pas aux stations intermédiares, ou qui ne s'arrêtent qu'à un très-petit nombre de ces stations, et qui sont généralement animés d'une vitesse qui n'est pas encore nécessaire à toutes les classes de la société. Il suffit d'allieurs, sans doute, de poser la règle générale, et de laisser les exceptions à la décision de l'autorité. Tous les intérêts sont ainsi garantis et satisfaits. C'est dans ce sens et dans ce but que l'article 17 a été rédigé.

L'article 18 détermine les conditions générales à observer dans la composition d'un train, soit de voyageurs, soit de voyageurs et de marchandises tout à la fois; il règle implicitement le nombre des freins dont chaque convoi devra être muni, en laissant d'ailleurs au ministre des travaux publics à determiner ce nombre pour chaque chemin, en égard au nombre des voitures et aux pentes du chemin; il fixe également le nombre maximum de voitures dont un convoi pourra être composé dans tous les cas; sur tous ces points, l'administration a cherché à se rapprocher autant que possible de ce qu'enseigne la pratique des chemins de fer régulièrement exploités.

L'article 18 détermine les conditions générales à observer dans la composition d'un train, soit de voyageurs, soit de voyageurs et de marchandises tout à la fois; il règle implicitement le nombre des freins dont chaque convoi devra être muni, en laissant d'ailleurs au ministre des travaux publics à déterminer ce nombre pour chaque chemin, en égard au nombre des voitures et aux pentes du chemin; il fixe également le nombre maximum de voitures dont un convoi pourra être composé dans tous les cas; sur tous ces points, l'administration a cherché à se rapprocher autant que possible de ce qu'enseigne la pratique des chemins de fer regulièrement exploités.

Quant au nombre des voitures, le maximum adopté par le réglement a pour but de ne pas apporter d'entraves au service et de ne pas constituer la compagnie en contravention lorsque l'affluence extraordinaire des voyageurs, à certains jours donnés, peut mettre dans l'obligation de proportionner le nombre des véhicules aux besoins momentanés de la circulation. Dans ces circonstances spéciales, le grand nombre des voitures dans un seul train peut présenter encore moins d'inconvenients que l'ajournement d'une partie des voyageurs au départ suivant ou la formation d'un convoi supplémentaire. Jusqu'ici les règlements provisoires avaient fixé le maximum à trente-deux voitures: l'étude attentive des faits a permis de le réduire à vingt-quatre. Même ainsi réduit, ce nombre dépasse très-sensiblement les besoins habituels d'une

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exploitation bien réglée, et il doit être bien entendu qu'il ne sera pas le règle ordinaire, mais bien plutôt l'exception. S'il en était autrement, si la compagnie exploitante, pour diminuer le nombre de ses convois, composait ses trains de manière à se rapprocher trop souvent de cette limite extrême, l'administration y verrait la preuve que l'organisation du service ne satisfait pas aux besoins de la circulation, et elle userait du droit que le règlement lui donne, de contrôler et de modifier, dans le double intérêt de la sécurité et d'une bonne exploitation, les mesures adoptées par la compagnie. Il ne faut pas oublier non plus qu'indépendamment du règlement qui érige certains faits en contraventions et qui les frappe de pénalités, même en dehors de toutes conséquences fâcheuses, la loi sur la police des chemins de fer s'applique, en cas d'accident, à tout fait d'exploitation qui peut constituer une imprudence, et qu'elle fait ainsi de la responsabilité de la compagnie le correctif de la liberté que la règlement a dû lui laisser.

Quelques personnes auraient désiré que l'interdiction de la double locomotive fût positive et absolue. Nous n'avons pas pensé qu'il nous fût possible de déférer à ce vœu sans apporter un grand trouble dans l'exploitation des chemins de fer, surtout de ceux qui avoisinent les grandes villes. Il est certains cas d'affluence extraordinaire où, pour transporter tout le public qui se présente, il faudrait multiplier les convois d'une manière dangereuse, si on n'attelait pas une seconde locomotive. Dans d'autres circonstances, telles que le verglas, la pluie, le vent, la montée d'une rampe rapide, etc., le secours d'une seconde locomotive peut devenir indispensable ; bien plus, dans ces divers cas, l'addition de la seconde locomotive peut devenir une garantie pour la sûreté publique ; une seule, en effet, ne pourrait imprimer à la marche des convois la célérité qu'exige la régularité du service, et cette régularité est la condition la plus essentielle de la sécurité. Il convient d'ailleurs qu'il ne soit pas fait abus de la faculté d'exception créée par le règlement, et pour maintenir à cet égard les compagnies dans les limites que l'administration a entendu poser, je propose de décider que, dans tous les cas où la seconde locomotive sera employée, la compagnie sera tenue de mentionner sur un registre le motif de la mesure, la station où elle aura été jugée nécessaire, et l'heure de départ à laquelle le train aura quitte cette station.

L'article 21 interdit de faire circuler avec les voyageurs les matières pouvant donner lieu à des explosions ou à des incendies. Cette disposition, indispensable même sur les routes ordinaires, l'est bien davantage encore sur un chemin de fer où se trouvent réunis à la fois, dans certaines circonstances, plusieurs centaines de voyageurs, et où la rapidité de la marche peut développer avec une effrayante activité des incendies qui ailleurs seraient plus faciles à éteindre.

En vertu de l'article 22, les voitures qui entrent dans la composition des trains devront être liées entre elles par des moyens d'attache tels, que les tampons à ressort soient toujours en contact. On conçoit facilement l'utilité de cette mesure ; il importe que toutes les voitures ne forment en quelque sorte qu'un seul corps, et que, dans le cas d'un arrêt brusque, elles ne se précipitent pas les unes sur les autres.

Le second paragraphe de ce même article renferme également une clause très-essentielle. Les voitures des entrepreneurs de messageries sont admises aujourd'hui dans la composition des convois ; mais il importe qu'elles soient assujetties sur les trucks d'une manière solide, et que les chargements soient distribués de manière à ne pas trop élever le centre de gravité de la masse. Ces conditions touchent très-fortement à la sécurité de la marche : nous devons dire que jusqu'ici elles n'ont pas été assez complétement remplies pour qu'il ne soit pas nécessaire de réserver à l'administration le droit d'exiger des garanties plus certaines.

Lorsqu'un convoi est en marche, il peut se manifester diverses circonstances, par exemple, une rupture de roue ou d'essieu, ou de barre d'attelage, qui exigent un arrêt immédiat de la machine : il est donc utile qu'il y ait entre les conducteurs préposés à la surveillance des voitures et le mécanicien un moyen de communication facile et sûr : tel est l'objet de l'article 23.

Le titre IV règle les mesures relatives au départ, à la circulation et à l'arrivée des trains. Ce titre est de beaucoup le plus important de tous ceux que comprend le présent règlement. Jusqu'ici nous avons indiqué les conditions dont l'exacte observation doit assurer le bon état de la voie, la bonne confection des machines et des voitures, et la manière dont ces machines et ces voitures doivent entrer dans la composition des trains ; mais c'est dans la marche des convois qu'existent les principales causes d'accidents : c'est donc cette marche qu'il importe de régler, dans la vue de prévenir les rencontres, les chocs, les collisions, qui peuvent amener de si deplorables catastrophes.

Si les trains marchant dans des sens opposés ne suivent pas la même voie, ou si, marchant sur la même voie, ils restent toujours placés à une certaine distance les uns des autres, jamais ils ne pourront se rencontrer, et dès lors on n'aura pas à redouter les accidents que nous avons eu déjà plus d'une fois à déplorer. C'est à réaliser ces conditions que tend l'ensemble des mesures comprises au titre IV.

L'article 25 donne au ministre le pouvoir de régler, sur la proposition de la compagnie, le sens du mouvement des trains et des machines isolées sur chaque voie. Mais comme il peut arriver qu'un chemin de fer n'ait pas assez d'importance pour qu'on l'établisse à deux voies, dans ce cas l'administration déterminera les points où les convois venant dans des directions différentes devront respectivement s'attendre.

Un règlement de service déterminera les heures de départ de chaque station, et jamais un convoi ne devra partir d'une station avant l'heure déterminée par ce règlement. Il ne devra jamais également partir d'une station avant qu'il se soit écoulé, depuis le départ ou le passage du convoi précédent, le laps de temps qui aura été fixé par le ministre, sur la proposition de la compagnie. Des signaux seront placés à l'entrée de chaque station pour indiquer aux mécaniciens des trains qui pourraient survenir si le laps de temps déterminé pour permettre l'accès de la gare est déjà écoulé. Enfin, dans l'intervalle d'une station à une station voisine,

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les trains devront toujours se tenir à une certaine distance les uns des autres, et des signaux seront établis sur divers points de la ligne pour avertir le mécanicien et assurer l'observation de cette distance. Il est facile de concevoir que, si aucune infraction n'est commise à ces règles de précaution, qui font l'objet de l'article 27, et si l'on y ajoute la disposition insérée à l'article 28, et qui, sauf le cas de force majeure et de réparations de la voie, ne permet l'accès des trains qu'aux gares ou lieux de stationnement autorisés, on aura donné à la circulation sur les chemins de fer les garanties les plus essentielles.

Les chemins de fer peuvent présenter sur leurs parcours des plans inclinés. Au lieu d'offrir une voie à ciel ouvert, ils peuvent franchir les montagnes par des tracés souterrains. Des mesures spéciales de précaution sont nécessaires sur ces points. L'article 29 donne au ministre des travaux publics le pouvoir de les déterminer, sur la proposition de la compagnie ; il lui donne également le droit de régler, sur la proposition de la compagnie, la vitesse maximum que les trains peuvent prendre sur les diverses parties de chaque ligne et la durée du trajet. Ces conditions diverses ont pour but d'assurer la régularité du service, et la régularité du service est le gage le plus sûr de la sécurité des voyageurs.

D'après l'article 30, les mesures spéciales à prendre pour l'expédition et la marche des convois extraordinaires doivent être réglées par le ministre des travaux publics, sur la proposition de la compagnie. Cette disposition est-elle suffisante ? ne conviendrait-il pas de proscrire complétement les convois extraordinaires ? Avant de me décider sur une question aussi grave, j'ai consulté les hommes versés dans la pratique des chemins de fer ; j'ai cherché à me rendre compte de toutes les circonstances qui peuvent se présenter dans l'exploitation de ces voies de communication ; et de cet examen approfondi il est résulté pour moi la conviction que, dans plus d'une circonstance, il y aurait dommage pour le public à ne pas permettre l'expédition d'un convoi extraordinaire. Au point de rencontre de deux lignes qui se joignent, et dont le service est organisé de manière à établir une circulation continue de l'une sur l'autre, si le convoi venant de l'une de ces lignes n'arrive au point de croisement qu'après l'heure à laquelle a dû partir le train de l'autre ligne avec lequel il correspond, dans ce cas, un convoi extraordinaire est indispensable, ou bien les voyageurs seront obligés d'attendre souvent plusieurs heures avant de continuer leur route ; il peut arriver encore qu'à un certain jour et par suite de quelque circonstance imprévue, il se présente dans les bureaux du chemin de fer une affluence extraordinaire de voyageurs : un seul convoi est insuffisant pour les transporter ; il faudrait alors leur faire subir un retard, presque toujours inconciliable avec leurs affaires, si l'on ne prenait le parti d'organiser un convoi extraordinaire : la limitation du nombre des voitures prescrite par l'article 17 du règlement peut créer de temps à autre cette nécessité.

Il faut remarquer d'ailleurs que, dans de telles circonstances, les convois extraordinaires sont véritablement sans danger, puisqu'ils peuvent être facilement annoncés sur toute la ligne par le convoi ordinaire qui les précède. Je pense donc qu'il y a lieu de ne pas proscrire un usage adopté sur les chemins de fer de tous les pays. Mais, pour que les compagnies n'abusent pas de la faculté qui leur serait laissée, il leur est prescrit de rendre compte immédiatement au commissaire spécial de police du motif de l'expédition du convoi extraordinaire. Si ce motif est insuffisant ou mal fondé, le ministre interviendra pour restreindre à l'avenir, dans de plus étroites limites, la faculté d'expédier un convoi extraordinaire.

Les articles 31 à 36 déterminent les conditions à remplir pour la transmission des signaux relatifs à la marche des trains, soit de jour, soit de nuit, soit enfin dans le cas de réparation de l'une des voies : ils s'expliquent par leur simple énoncé, et je ne m'y arrêterai pas.

J'ai dit, en parlant du titre I^er^, que les croisements et changements de voie devaient être l'objet d'une surveillance assidue : cette surveillance doit être plus sérieuse encore lorsque ces croisements seront à la jonction de deux lignes. Dans ce cas, il faut, pour éviter toute chance d'accident, qu'à une certaine distance du croisement, le mécanicien ralentisse la marche de la machine et se mette en mesure de l'arrêter complétement, si les circonstances l'exigeaient (art. 37).

Le troisième paragraphe du même article 37 a pour but de prévenir le retour d'une nature d'accidents dont on pourrait citer divers exemples. Il est arrivé quelquefois que des mécaniciens inhabiles ou négligents, à l'entrée des stations, n'arrêtent pas assez tôt les machines qu'ils conduisent ; ces machines sont alors dirigées violemment contre les heurtoirs qui terminent le débarcadère, et ces chocs peuvent occasionner des blessures graves. Ces événements ne sont plus à craindre du moment que la machine est complètement arrêtée avant le point où les voyageurs doivent descendre, et je dois ajouter que cette règle s'observe aujourd'hui sur les chemins de fer bien exploités.

Je n'insisterai pas sur les dispositions des articles 38 à 41. Ces dispositions sont déjà mises à exécution sur la plupart des chemins de fer en exploitation, et l'on peut les considérer comme consacrées par la pratique.

L'article 42 prescrit la tenue de registres sur lesquels seront mentionnés les retards de quelque importance dans la marche des convois. L'examen attentif de ces registres, qui seront représentés, à toute réquisition, aux agents de l'administration, la mettront à même d'apprécier la manière dont le service se fait sur chaque ligne de fer, et de remédier aux imperfections qui se révéleraient dans ce service.

L'article 43, qui est relatif à l'organisation du service des convois sur les chemins de fer, au nombre et aux heures de départ de ces convois, mérite une attention particulière.

En premier lieu, la sûreté publique est intéressée dans la fixation des heures de départ des convois qui doivent se succéder sur la voie ; il faut que ces heures soient combinées de manière que jamais les trains, soit de voyageurs, soit de merchandises, ne puissent s'atteindre et se heurter.

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D'autre part, le service du chemin de fer doit être organisé de telle sorte que, chaque jour, les personnes qui ont à le parcourir soient assurées de trouver, lorsqu'elles se présentent, les moyens de transport qui leur ont été promis; il faut que, chaque jour, les compagnies donnent au public, dans chaque sens et à des heures de départ commodes, un nombre de convois en rapport avec le nombre des voyageurs qui circulent et avec l'importance des relations établies. Les compagnies, sans doute, sont le plus souvent les meilleurs juges des besoins du public à cet égard, mais quelquefois elles peuvent se tromper dans leurs appréciation, et le Gouvernement doit avoir le droit de pourvoir à ce que cette appréciation peut offrir d'erroné et d'incomplet. Une compagnie, par exemple, peut quelquefois chercher, dans des vues d'économie, à concentrer la circulation dans un trop petit nombre de convois journaliers: elle peut adopter des heures de départ et d'arrivée qui se combinent mal, et qui même se combinent d'une manière dangereuse avec les heures de départ et d'arrivée des chemins d'embranchement ou de prolongement. Dans ces différents cas, et dans tous les autres qui peuvent se présenter, le droit comme le devoir de l'administration est de prendre et d'ordonner les modifications qu'elle jugerait nécessaires à la sûreté de la circulation et aux besoins du public.

Le titre V a pour objet les mesures relatives à la perception des taxes: ces mesures touchent aux questions les plus délicates parmi celles que soulève l'exploitation des chemins de fer par les compagnies.

Les cahiers de charges des concessions ne peuvent et ne doivent fixer que des prix élémentaires, des prix limites; les compagnies peuvent abaisser au-dessous des maximums autorisés les taxes qu'elles demandent au public; elles établissent, d'après les bases ainsi réglées, le prix total à percevoir pour le transport des voyageurs, des bestiaux ou marchandises, soit sur la distance totale, soit sur les parcours intermédiaires.

Mais, en principe, aucune taxe, de quelque nature qu'elle soit, ne peut être perçue qu'en vertu d'un acte de l'autorité supérieure: il est donc nécessaire, en premier lieu, qu'avant de commencer leur service d'exploitation, les compagnies fassent approuver par l'administration les tableaux des prix qu'elles entendent percevoir. Cette formalité est d'ailleurs indispensable, attendu que, d'après les cahiers des charges, les abaissements de prix consentis par les compagnies doivent être maintenus pendant un certain temps, et qu'un acte de l'autorité peut seul fixer le moment à dater duquel ce délai devra courir.

Votre Majesté remarquera toutefois que le second paragraphe de l'article 44 contient une exception pour les chemins de fer dont les concessions sont antérieures à 1835: pour ces chemins, les cahiers de charges ne tracent aucune règle pour l'application des taxes; quelques-uns même ne renferment point de tarif pour le transport des personnes; il y a donc lieu de les compléter et de régulariser les taxes actuellement perçues. Un délai est accordé à cet effet jusqu'au 1er Avril 1847.

En second lieu, il n'a pas été possible d'énoncer dans le tarif légal tous les objets auxquels les taxes doivent s'appliquer, ni de régler de suite les taxes accessoires qui peuvent être dues à la compagnie pour les services rendus au public en dehors du transport proprement dit. Ces diverses taxes doivent être arrêtées, au fur et à mesure que le besoin s'en fait sentir, par l'administration supérieure, la compagnie entendue. Les articles 45 à 49 inclusivement rappellent les dispositions auxquelles les compagnies devront être tenues de se conformer, dans leur intérêt même. Le public, en effet, est toujours disposé à réclamer contre les prix qu'on lui demande, lorsqu'il n'est pas convaincu qu'on a le droit de les lui demander: toute réclamation tombera d'elle-même lorsque la compagnie pourra justifier d'une décision régulière de l'autorité.

L'article 50 prescrit les mesures d'ordre nécessaires pour assurer aux expéditeurs l'égalité dans l'application des tarifs. Cette égalité est une des principales prescriptions des cahiers de charges. Les chemins de fer sont des voies de monopole; avec eux, toute concurrence est généralement impossible, et dès lors l'égalité dans l'application des tarifs est la plus indispensable des obligations des compagnies qui les exploitent. Sans cette égalité, plus de sûreté pour le commerce et pour l'industrie, plus de certitude dans les transactions. L'administration publique doit donc veiller, autant qu'il est en elle, à la fidèle observation de la règle ci-dessus, et les mesures indiquées à l'article 50 garantissent, à cet égard, toute sécurité.

Le titre VI a pour but principal de définir les divers ordres d'agents par l'intermédiaire desquels l'administration publique doit exercer sa surveillance sur l'exploitation des chemins de fer.

La définition des attributions conférées aux ingénieurs des ponts et chaussées, aux ingénieurs des mines et aux commissaires spéciaux de police, ne peut donner lieu à aucune objection, et je ne m'y arrêterai pas. Je n'aurai donc à entrer dans quelques développements qu'à l'égard des attributions conferées par le projet aux commissaires royaux.

Je ferai remarquer d'abord que l'institution de ces commissaires est aujourd'hui prescrite par tous les cahiers de charges des chemins de fer récemment concédés; il ne peut donc s'élever aucun débat sur le principe même de cette institution, et je n'ai à examiner ici que la question des attributions qui peuvent leur être données.

Il m'a paru que les commissaires royaux devaient avoir pour mission spéciale de contrôler l'exploitation commerciale et industrielle des chemins de fer, de surveiller le mode suivant

leque.

lequel les compagnies appliquent les tarifs qu'elles sont autorisées à percevoir, et d'éclairer l'administration sur toutes les infractions au principe de l'égalité des taxes.

Placés constamment auprès des compagnies, les commissaires royaux entendront les plaintes du public sur les procédés de ces compagnies et en instruiront l'administration supérieure; ils constateront le mouvement journalier de la circulation, et recueilleront ainsi des éléments très-utiles d'appréciation sur l'organisation du service des compagnies.

Enfin, dans tous les cas où l'Etat sera lié par quelque traité ayant pour objet d'accorder le concours financier de l'Etat, ils seront chargés de surveiller la gestion de la compagnie, et alors, dans chaque cas particulier, un règlement spécial viendra définir leurs attributions.

L'article 60 a pour objet d'assurer l'exécution d'une clause des cahiers des charges d'après laquelle les règlements de service intérieur que font les compagnies doivent être approuvés par le ministre des travaux publics.

Après avoir défini les obligations que doivent remplir les compagnies, il fallait déterminer avec le même soin les conditions auxquelles doivent se soumettre, soit les voyageurs, soit toutes autres personnes étrangères au service du chemin de fer: ces conditions font l'objet du titre VII du règlement, et je crois que, pour le moment, elles satisfont à toutes les nécessités que l'expérience a révélées jusqu'ici. Leur texte seul en explique d'ailleurs le but et la portée, et il me paraît inutile d'entrer, à leur égard, dans de plus longs développements.

Le titre VIII contient des dispositions diverses qui, par leur spécialité ou leur généralité, ne pouvaient trouver place dans aucun des titres dont je viens d'expliquer les différents articles.

La plupart de ces dispositions n'ont ici besoin d'aucun commentaire, et, quant aux autres, de courtes explications suffiront pour en faire apprécier le but.

Votre Majesté a pu remarquer que, parmi les mesures de sûreté prescrites par le présent règlement, il en est un assez grand nombre qui ne seront définitivement arrêtées par le ministre qu'après que les compagnies auront été entendues. L'on comprend que, si les compagnies tardaient à soumettre leurs propositions à l'administration, elles pourraient arrêter ainsi indéfiniment l'application du règlement; il sera donc indispensable de leur fixer un délai passé lequel le ministre pourra statuer directement. Tel est l'objet de l'article 69.

D'après l'article 70, les crieurs, vendeurs ou distributeurs d'objets quelconques ne peuvent être admis à exercer leur profession dans les cours, stations et salles d'attente qu'en vertu d'une autorisation du préfet. Cette disposition est la conséquence du principe énoncé déjà dans l'article 1er du règlement, à savoir que les cours et stations d'un chemin de fer font, comme le chemin lui-même, partie du domaine public, et qu'à l'autorité administrative seule il appartient d'en régler l'usage.

L'article 71 autorise le Gouvernement à centraliser, dans les mains d'un seul préfet, en tout ou en partie, la surveillance d'exploitation d'un chemin de fer. Cette centralisation sera nécessaire au moins pour une partie de la surveillance. Il est impossible, par exemple, que la réception, le contrôle des machines et voitures servant aux transports, soient confiés à plusieurs autorités; il est également difficile que toutes les mesures d'ensemble relatives au mouvement, à la marche des convois, aux signaux de sûreté, soient morcelées et réparties entre tous les préfets des départements traversés. Enfin, la vérification des taxes qu'une compagnie se propose de mettre en perception sur toute l'étendue de la ligne qu'elle exploite peut souvent, sans inconvénient, être ramenée à un centre unique. Il est entendu que la centralisation dont il est ici question ne peut s'appliquer qu'à la partie purement administrative de la surveillance, et que tout ce qui peut toucher à la juridiction des préfets ou des conseils de préfecture et aux droits des tiers n'est point atteint par cette disposition du règlement.

L'article 72 confère au préfet de police, dans l'étendue de sa juridiction, définie par l'arrêté du 3 brumaire an ix, les attributions données par le règlement aux préfets des départements traversés par le chemin de fer.

L'article 73 dispose que tout agent employé sur un chemin de fer sera revêtu d'un uniforme ou porteur d'un signe distinctif. Il importe, en effet, que le public reconnaisse facilement les personnes auxquelles il doit s'adresser ou aux injonctions desquelles il doit obtempérer.

En vertu du même article, les cantonniers, gardes-barrières et surveillants pourront être armés d'un sabre.

D'article 74 exige des mécaniciens conducteurs de trains la justification de certaines conditions de capacité. Il n'est pas besoin, sans doute, d'insister longuement sur l'utilité de cette clause: un mécanicien tient dans ses mains la vie de plusieurs centaines de personnes; ne doit-on pas dès lors soumettre à des garanties préalables le choix d'hommes sur lesquels pèse une si grave responsabilité?

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Le règlement, au surplus, ne demande pour les conducteurs de locomotives autre chose que ce qui a été jugé nécessaire pour les mécaniciens placés à bord des bateaux à vapeur ; la position des uns et des autres a, sinon une entière similitude, au moins une très-grande analogie.

Enfin, l'article 75 oblige les compagnies à entretenir, à certaines stations, les médicaments et waggons de secours nécessaires en cas d'accidents. Déjà cette mesure est appliquée sur certains chemins de fer : elle a rendu de grands services. L'on conçoit, en effet, combien il est utile de pouvoir donner, en cas d'accident, de prompts secours aux blessés, et c'est ce qui serait impossible si l'on n'avait pas sous la main, et dans des lieux assez voisins du théâtre de l'accident, les moyens de porter les premiers secours.

J'ai parcouru, Sire, dans ce rapport, la série des nombreuses dispositions qu'il m'a paru nécessaire de rendre obligatoires dans le service d'exploitation des chemins de fer. L'expérience et l'observation nous fourniront, sans aucun doute, des enseignements et des lumières qui nous permettront plus tard de rectifier et de compléter ces dispositions. J'ai la confiance que, telles que je propose à Votre Majesté de les approuver, elles pourront prévenir, si elles sont exactement observées, le retour des tristes accidents que, malheureusement, nous avons eu plus d'une fois à déplorer.

J'ai l'honneur d'être, avec le plus profond respect,

Sire,

De Votre Majesté,

Le très-humble, très-obéissant et très-fidele serviteur,

Le Ministre Secrétaire d'Etat des travaux publics,

(signé) *S. Dumon.*

Appendix, No. 7.

Appendix, No. 7.

PAPER furnished by *Richard Madox Bromley,* Esq.

RAILWAY AUDIT.

The question of establishing a Government system of audit for railway accounts is fraught with difficulty.

There can be no doubt that railway accounts should be kept upon the most improved system, but many accountants will differ in opinion as to the precise form in which they should be kept, and thus uniformity of system may be prevented. All will agree that double entry should be the system; but it is in its application that difference will arise. The danger is, that if the duty of the public auditor does not become mere form, and consequently a job, it may lead to collision between the auditor and directors; thus men of character in a direction may be induced to retire, leaving the affairs in inferior hands.

Another important matter, however, has to be considered, which is, whether a Government audit would not give a character to railway shares for investment equal to the public funds; and, should anything go wrong, whether in the venality of the auditor, or by any other means, the Government might thereby be compromised.

Again; where is the system to stop? If every railway in the kingdom is to be subjected to a Government audit, why should not other public companies be in like manner subjected to it, such as docks, canals, harbours, steam boats, mines, &c. &c., even the East India Company and Bank of England.

Lord Monteagle's Bill now before the public possesses some good points; but the main question of all is, where are you to find men possessing the requisite information and discretion for the position of public auditors? The number of men that would be required to audit the railway accounts twice in every year could not be spared from the public service, if even the public service possessed them. To call properly qualified men into the service

service from private employment, even upon the recommendation of men of integrity, would still be a very uncertain proceeding, and the Government would, through their agency, have to answer for the accuracy of accounts relating to upwards of 200,000,000 *l.* sterling.

Independently of this opinion, it is a subject which should not be too readily undertaken by the Government. The companies ought to provide within themselves a security for the accuracy of their accounts. The proprietors might appoint two persons, and the directors one person, to act as a permanent finance committee, to audit monthly the accounts. They might be paid liberally for the labour imposed upon them, and they should be required to report to the directors monthly upon the state of the accounts, which reports might be laid before the proprietors.

A code of instructions should be drawn up, founded on past experience, containing the leading points to be observed in the investigation and final audit of the accounts.

To assist the railway companies in establishing an efficient audit, and to show that the Government were not unmindful of the great public interest involved in the successful administration of those undertakings, it appears desirable that the Government should select two or three persons in their employment, who hold high and responsible situations, and who have had considerable experience in book-keeping, and in accounts of great magnitude, in whom, from their standing and talent, the public might have confidence. That these persons should form a commission, but still to hold their own offices, and that they should meet, from time to time, as might be found necessary.

The commission might inspect the system of accounts in use at each railway, and suggest to the Board of Directors any improvement that might occur to them. They should draw up the code of instructions referred to, so as to insure uniformity in the classification of the accounts, and in the audit of them. They might be empowered to call before them, from time to time, the accountants of the several railways to explain matters in the accounts, or to advise with them thereon. They might be requested by the directors or by a majority of the shareholders of any railway to investigate and report upon the state of their finances; and they might act as referees and advisers in any case of doubt raised in the audit of the accounts by the local auditors before mentioned.

This commission, it is considered, would give confidence to shareholders, and from its high character and reputation, would prevent any attempt to falsify the accounts, while at the same time it would not interfere with the administrative functions of directors, as it would leave the audit of the accounts to the three local auditors named by the proprietors and directors, after having agreed upon the form of the accounts, and upon the instructions requisite for their guidance.

Monthly returns should be sent from the several railways to this commission of inspecting auditors, who should hold their powers under an Act of Parliament, to enable them to judge of the correct appropriation of the receipt and expenditure, and by inspection or calling for reports, they would be able to satisfy themselves of the correctness, or otherwise, of the half-yearly abstract accounts, and the dividend declared.

These persons might be designated "Auditors General of Railway Accounts," and paid a moderate remuneration by the Government for their services; and I am of opinion that the business might be satisfactorily performed in the manner I contemplate, with the assistance of two or three clerks.

This appears to me a better arrangement than placing the business under the Commissioners for Auditing the Public Accounts, as it might materially interfere with their functions and legitimate business, in looking after the expenditure of public money.

(signed) *R. M. Bromley.*

December 1849.

I have read over the foregoing remarks since my examination on Friday last, before the Committee of the House of Commons upon Railway Amalgamation Bills, and I find that the evidence I then gave is in strict conformity with the views I entertained in 1849, when I wrote the foregoing paper. I am decidedly of opinion that the simple machinery I propose would establish an effective audit with respect to the pivot dividend, and the public would be protected by it at a trifling expense.

(signed) *R. M. Bromley.*

17 March 1853.

Appendix, No. 8.

RETURN, compiled from the latest Returns which have been presented to Parliament, being to the end of 1851, showing the Extent of the AMALGAMATIONS, SALES, LEASES, &c., proposed by Bills of the present Session.

Number of Bill.	Name of Companies promoting Bills, and of those Companies with whom proposed Arrangements are to be made.	Length.		Total Powers for Raising Money to December 1851.	Total Raised to December 1851.	Gross Receipts from Passengers and Goods, for 1851.
		Canal.	Railway.			
		Miles.	*Miles.*	£.	£.	£.
1	Ambergate, Nottingham and Boston, and Eastern Junction Railway Company - - -	- -	20	- - -	- - -	16,274
	Including:			2,575,666	603,196	—
	Nottingham Canal - - - - - -	15	- -			
	Grantham Canal - - - - - -	30	- -			
		45	20	2,575,666	603,196	16,274
	Power of Sale or Lease to, or Amalgamation with, either of the following Companies: viz.					
	London and North Western Railway Company	- -	527	36,954,620	30,134,818	2,874,423
	Lines leased by them:					
	Bedford - - - - - - - -	- -	16	- - -	- - -	
	Buckinghamshire - - - - -	- -	53	1,659,000	1,241,025	
	North Union (two-thirds) - - -	- -	26	824,000	763,966	
	Canals:					
	Huddersfield Canal - - - - -	20	—			
	Sir J. Ramsden's Canal - - - -	3 ¾	—			
		23 ¾	622	39,437,620	32,139,809	2,874,423
	Midland Railway Company - - - -	- -	445	18,662,160	15,827,688	1,159,716
	Line leased by them:					
	Leeds and Bradford - - - - -	- -	42	1,239,999	1,186,009	
	Canals:					
	Ashby-de-la-Zouch Canal - - - -	26 ½	—			
	Oakham Canal - - - - - -	15	—			
		41 ½	487	19,902,159	17,013,697	1,159,716
	If transaction be completed with the London and North Western and the Midland Railway Companies, the united interest will be represented by - - - - - -	110 ¼	1,129	61,915,445	49,756,702	4,050,413
	Great Northern Railway Company - -	- -	177	9,724,466	8,783,807	534,508
	Including:					
	Witham Navigation - - - - -	38	—			
	Fossdyke - ditto - - - - -	11	—			
		49	177	9,724,466	8,783,807	534,508
	If transaction be completed with the Great Northern Railway Company, the united interest will be represented by - - - -	94	197	12,300,132	9,387,003	550,782

Number of Bill.	Name of Companies Promoting Bills, and of those Companies with whom Proposed Arrangements are to be made.	Length. Canal.	Length. Railway.	Total Powers for Raising Money to December 1851.	Total Raised to December 1851.	Gross Receipts from Passengers and Goods for 1851.
		Miles.	*Miles.*	£.	£.	£.
2	Ardrossan Railway Company	- -	12	106,666	106,950	10,595
	Power of Sale to the Glasgow and South Western Railway Company	- -	175	7,320,500	3,997,949	191,635
	If this transaction be completed, the united interest will be represented by	- -	187	7,427,166	4,104,899	202,230
3	Bangor and Carnarvon Railway Company	- -	7	140,000	120,000	Line not open.
	Power of Sale or Lease to the Chester and Holyhead	- -	84	4,339,332	3,960,225	122,556
	If this transaction be completed, the united interest will be represented by	- -	91	4,479,332	4,080,225	—
4	Birkenhead Dock Company	Capital not known from Returns to Parliament.				
	Power of Sale to either of the following Companies, viz.:					
	Great Western	- -	262	24,295,666	16,010,778	
	Line leased:					1,002,298
	Gloucester and Dean Forest	- -	8	337,533	215,639	
	Total Great Western	- -	270	24,633,199	16,226,417	1,002,298
	London and North Western (*See* No. 1.)	23 ¾	622	39,437,620	32,139,809	2,874,423
	Birkenhead, Lancashire, and Cheshire Junction	- -	33	3,150,000	1,762,076	80,016
	Shrewsbury and Chester	- -	56	1,628,000	1,379,600	78,759
	Chester and Holyhead	- -	84	4,339,332	3,960,225	74,516
5	Birkenhead, Lancashire, and Cheshire Junction	- -	33	3,150,000	1,762,076	80,016
	Power to lease to the London and North Western Railway Company (*See* No. 1.)	23 ¾	622	39,437,620	32,139,809	2,874,423
	If transaction be completed, the united interest will be represented by	23 ¾	655	42,587,620	33,901,885	2,954,439
6	Birkenhead, Lancashire, and Cheshire Junction	- -	33	3,150,000	1,762,076	80,016
	Great Western (*See* No. 4.)	- -	270	24,633,199	16,226,417	1,002,298
	Shrewsbury and Chester	- -	56	1,628,000	1,379,600	78,759
	Shrewsbury and Birmingham	- -	29	1,793,050	1,380,954	32,197
	If the Amalgamation of the above Companies be completed, the united interest will be represented by	- -	388	31,204,249	20,749,047	1,193,270

Number of Bill.	Name of Companies promoting Bills, and of those Companies with whom proposed Arrangements are to be made.	Length. Canal.	Length. Railway.	Total Powers for Raising Money to December 1851.	Total Raised to December 1851.	Gross Receipts from Passengers and Goods, for 1851.
		Miles.	*Miles.*	£.	£.	£.
7	Monmouthshire Railway and Canal Company Sale of Monmouth Tramway and Branches to the projected Dean Forest, Monmouth, Usk, and Pontypool Railway Company.	23	28	630,000	511,679	62,726
8	East and West India Dock and Birmingham Junction Railway Company - - - -	- -	8	866,666	805,664	36,379
	Power to lease their Line to the London and North Western Railway Company (*see* No. 1) - - - - - -	23¾	622	39,437,620	32,139,809	2,874,423
	If this Lease be completed, the united interest will be represented by - - - - -	23¾	630	40,304,286	32,945,473	2,910,802
9	Eastern Counties Railway Company - -	- -	192	13,166,266	9,487,576	
	Leased Lines:					
	Northern and Eastern - - - - -	- -	44	1,231,266	1,189,035	726,349
	Norfolk - - - - - - - - -	- -	83	2,721,900	1,800,880	
	Lowestoft - - - - - - - -	- -	11	320,000	318,656	
		—	330	17,439,432	12,796,147	726,349
	Power to Eastern Counties Railway Company to amalgamate with all or either of the following Companies:—					
	Norfolk Railway Company - - -	- -	- -	(*See* above.)	—	—
	Eastern Union - - - - - - -	- -	95	2,746,666	2,043,111	112,657
	East Anglian - - - - - - -	- -	67	1,381,200	1,257,043	32,065
	Newmarket - - - - - - -	- -	23	880,415	486,851	8,664
	If the Amalgamation of the above Companies be completed, the united interest will be represented by - - - - - - -	- -	515	22,447,713	16,583,152	879,735
10	Eastern Union Railway Company (*See* No. 9)	- -	95	2,746,666	2,043,111	112,657
	Power to amalgamate with the Eastern Counties Railway Company - - - - -	- -	330	17,439,432	12,796,147	726,349
	If Amalgamation be completed, the united interest will be represented by - - -	- -	425	20,186,098	14,839,258	839,006
11	Furness Railway Company - - - -	- -	19	366,933	292,575	20,165
	Purchase of the Pile Pier at Dalton, in Furness.					
12	Grand Canal Company (Ireland) - - -	About 120	Capital not known from Returns to Parliament.			
	Sale of Canal to the Midland Great Western Railway Company - - - - -	- -	126	2,596,666	1,177,386	65,713

Number of Bill.	Name of Companies promoting Bills, and of those Companies with whom proposed Arrangements are to be made.	Length.		Total Powers for Raising Money to December 1851.	Total Raised to December 1851.	Gross Receipts from Passengers and Goods, for 1851.
		Canal.	Railway.			
		Miles.	*Miles.*	£.	£.	£.
13	Great Western Railway Company (*See* No. 4) -	- -	270	24,633,199	16,226,417	1,002,298
	Shrewsbury and Birmingham Railway Company - - - - - - - - -	- -	29	1,793,050	1,380,954	32,197
	Shrewsbury and Chester Railway Company -	- -	56	1,628,000	1,379,600	78,759
	If the proposed amalgamation of the above three Companies be completed, the united interest will be represented by - - -	- -	355	28,054,249	18,986,971	1,113,254
14	Herefordshire and Gloucester Canal Company -	- -	-	Capital not known.		—
	Power to lease Canal to the London and North Western Railway Company (*See* No. 1).					
15	Limerick and Foynes Railway Company:					
	Incorporation of Company, and power to lease or sell Line to the Great Southern and Western Railway Company - - - -	- -	188	4,672,960	3,636,361	230,593
	Waterford and Limerick Railway Company -	- -	25	1,000,000	642,359	16,031
16	Limerick, Ennis, and Killaloe Junction Railway Company - - - - - - - -	- -	37	400,000	18,790	- Line not yet constructed.
	Power of sale or lease to certain individuals.					
17	Llynvi Valley - - - - - - - -	- -	18	125,000	115,498	3,617
	Purchase of the Bridgend Tramroad by the Llynvi Valley Railway Company, and sale of their Undertaking to the South Wales Railway Company - - - - - -	- -	Line not open for passenger traffic. 94	4,564,439	3,031,802	55,830
	If this transaction be completed, the united interest will be represented by - - -	- -	112	4,689,439	3,147,300	59,447
18	London and North Western Railway Company (*See* No. 1).	—	—	—	—	—
	Purchase of branch to Haydon-square, of the London and Blackwall Railway.					
19	London and North Western Railway Company -	23 ¾	622	39,437,620	32,139,809	2,874,423
	Power to amalgamate with the Midland Railway Company (*See* No. 1) - -	41 ½	487	19,902,159	17,013,697	1,159,716
	If this amalgamation be completed, the united interest will be represented by - - -	65 ¼	1,109	59,339,779	49,153,506	4,034,139
20	London and North Western Railway Company	23 ¾	622	39,437,620	32,139,809	2,874,423
	Power to amalgamate with the North Staffordshire Railway Company - - - -	- -	112	5,820,000	4,779,330	131,600
	Including:					
	Trent and Mersey Canal Navigation - -	93	—			
	If this amalgamation be completed, the united interest will be represented by - - -	116 ¾	734	45,257,620	36,919,139	3,006,023

Number of Bill.	Name of Companies promoting Bills, and of those Companies with whom proposed Arrangements are to be made.	Length. Canal.	Length. Railway.	Total Powers for Raising Money to December 1851.	Total Raised to December 1851.	Gross Receipts from Passengers and Goods, for 1851.
		Miles.	*Miles.*	£.	£.	£.
21 & 22	London and North Western Railway Company	23 ¾	622	39,437,620	32,139,809	2,874,423
	Power to lease the Lines of the two following Companies:					
	Shrewsbury and Birmingham	- -	29	1,793,050	1,380,954	32,197
	Shrewsbury and Chester	- -	56	1,628,000	1,379,600	78,759
	If this transaction be completed, the united interest will be represented by	23 ¾	707	42,858,670	34,900,363	2,985,379
23	London and South Western Railway Company	- -	240	12,046,128	8,501,740	652,645
	Power to amalgamate with the—					
	London, Brighton, and South Coast Railway	- -	163	7,440,930	7,111,267	556,509
	If this transaction be completed, the united interest will be represented by	- -	403	19,487,058	15,613,007	1,209,154
24	Malton and Driffield Junction Railway Company	- -	24	320,000	273,350	Line not open.
	Power to amalgamate with the following Railway Companies:					
	York and North Midland Railway Company	- -	263	7,721,666	5,172,092	411,283
	Leased Line:					
	East and West Yorkshire Junction	- -	15	266,660	248,551	
		—	278	7,988,326	5,421,643	411,283
	York, Newcastle, and Berwick Railway Company	- -	278	12,838,808	8,050,849	731,083
	Leased Lines:					
	Hartlepool Dock and Railway	- -	16	432,000	519,801	
	Great North of England, Clarence, and Hartlepool Junction	- -	9	99,400	73,118	
		—	303	13,360,208	8,643,768	731,083
	Leeds Northern Railway Company	- -	41	2,977,932	2,275,597	54,275
	If the amalgamation be completed, the united interest will be represented by	- -	622	24,326,466	16,341,008	1,196,641
25	Monmouthshire Railway and Dock Company	23	28	630,000	511,679	62,726
	Power to amalgamate with the Newport Dock Company.					
26	Newport, Abergavenny, and Hereford Railway Company	- -	60	1,510,333	163,629	Line not open.
	Power to purchase Oystermouth Tramroad.					
27	Newport, Abergavenny, and Hereford Railway Company	- -	60	1,510,333	163,629	Line not open.
	Power to purchase the Brecon Canal and Rumney Railway, and to sell their Undertaking to the—					
	London and North Western Railway Company	23 ¾	622	39,437,620	32,139,809	2,874,423
	If this transaction be completed, the united interest will be represented by	23 ¾	622	40,947,953	32,303,438	2,874,423

Number of Bill.	Name of Companies promoting Bills, and of those Companies with whom proposed Arrangements are to be made.	Length.		Total Powers for Raising Money to December 1851.	Total Raised to December 1851.	Gross Receipts from Passengers and Goods, for 1851.
		Canal.	Railway.			
		Miles.	*Miles.*	£.	£.	£.
28	Norfolk Railway Company:					
	Power to lease to or amalgamate with the Eastern Counties Railway Company (*see* No. 9)	- -	330	17,439,432	12,796,147	726,349
29	Roscrea and Parsonstown Railway Company:					
	Incorporation and power to lease or sell to the Great Southern and Western Railway Company	- -	188	4,672,960	3,636,361	230,593
30	Shrewsbury and Birmingham Railway Company	- -	29	1,793,050	1,380,954	32,197
	Power to amalgamate with the Shrewsbury and Chester Railway Company	- -	56	1,628,000	1,379,600	78,759
	If this transaction be completed, the united interest will be represented by	- -	85	3,431,050	2,760,554	110,956
31	South Eastern Railway Company	- -	204	10,315,375	10,058,971	680,889
	Leased Lines:					
	Canterbury and Whitstable	- -	6	111,000	98,320	
	Reading, Guildford and Reigate	- -	40	1,066,666	800,000	
	Power to purchase the Canterbury and Whitstable Railway.					
		—	250	11,493,041	10,957,291	680,889
32	South Wales Railway Company	- -	94	4,564,439	3,031,802	55,830
	Power to purchase the Railways of the following Companies:					
	Llynvi Valley	- -	18	125,000	115,498	3,617
	Llandelly	- -	28	270,000	231,250	11,615
	If these purchases be completed, the united interest will be represented by	- -	140	4,959,439	3,378,550	71,062
33	York, Newcastle and Berwick Railway Company	- -	303	13,360,208	8,643,768	731,083
	York and North Midland Railway Company	- -	278	7,988,326	5,421,643	411,283
	Leeds Northern Railway Company	- -	41	2,977,932	2,275,597	54,275
	Power to amalgamate.					
	If this amalgamation be completed, the united interest will be represented by	- -	622	24,326,466	16,340,908	1,196,621

Appendix, No. 9.

RETURN of the CORRESPONDENCE between the Board of Trade and the various Railway Companies relative to Accidents, in the Year 1853.

Collision on Buckinghamshire Railway on 3 January 1853.

LETTER FROM	DATE OF RECEIPT.	DATE.	NATURE OF ACTION THEREON.
	1853:	1853:	
London and North Western Railway Company, reporting collision, on 3 January, on the Buckinghamshire Railway, near Oxford, between a coal train and a passenger train, whereby 8 persons were killed, and 17 injured.	5 January -	6 January -	- - Captain Wynne appointed to inquire, and report.
Captain Wynne, R. E., reporting his inquiry into circumstances attending accident.	2 February -	19 February -	- - Forwarded to Company copy of Captain Wynne's report; also copy of Captain Simmons's memorandum relative to means of communication between guards and engine-drivers.
London and North Western Railway Company, acknowledging receipt of communication of 19 February.	22 February -	—	

Collision on the Caledonian Railway, near Blantyre, on 17 January 1853.

Company reporting collision on Hamilton Branch, on 17 January, between a coal train and a passenger train, by which six persons were injured.	27 January -	27 January -	- - Captain Wynne appointed to inquire, and report. (Appointment afterwards transferred to Captain Galton.)
Captain Galton reporting his inquiry into circumstances attending accident.	24 February -	24 February -	- - Forwarding to Company copy of report, &c. &c.
Company acknowledging communication of 24 February.	28 February -	—	

Collision on Lancashire and Yorkshire Railway at Chorley, on 18 January 1853.

Company reporting collision at Chorley, on 18 January, between a passenger train and a coal train, whereby one passenger had his face slightly bruised.	24 January -	24 January -	- - Captain Galton appointed to inquire, and report. Company informed of ditto.
Captain Galton reporting his inquiry into circumstances attending accident.	24 February -	4 March -	- - Transmitted to Company copy of report, and expressed regret of my Lords that Company had not yet supplied their men with timepieces, &c. &c.
Company acknowledging receipt of communication of 4 March.	9 March -	—	

Accident on South Eastern Railway on 31 January, near the Bough Beech Cutting.

LETTER FROM	DATE OF RECEIPT.	DATE.	NATURE OF ACTION THEREON.
	1853:	1853:	
Company reporting that the 12.30 p. m. down Ramsgate train, on 31 January, ran off the rail near the Bough Beech cutting, whereby 12 passengers were injured.	3 February -	8 February -	- - Captain Galton appointed to inquire, and report.
Captain Galton reporting his inquiry into circumstances attending accident.	10 March -		

Collision on Midland Railway, near Leicester, on 1 February.

Company reporting collision, on 1 February, near Leicester, between a goods train and a ballast train, whereby the driver and fireman of the goods train were injured.	3 February -	3 February -	- - Captain Wynne appointed to inquire, and report.
Captain Wynne reporting his inquiry into circumstances attending accident.	3 March -	5 March -	- - Transmitted to Company copy of report, with observations thereon.
Company acknowledging receipt of communication of 5 March.	14 March	—	

Accident on Midland Railway at the Manton Station, on 1 February.

Company reporting that a passenger train from Peterborough ran into a goods train at the Manton station, on 1 February, during a thick fog, whereby several passengers were injured.	3 February -	3 February -	- - Captain Wynne appointed to inquire, and report.
Captain Wynne reporting his inquiry into circumstances attending accident.	3 March -	4 March -	- - Transmitted to Company copy of report, and requested attention to observations contained therein.
Company in reply to communication of 4 March.	14 March	—	

Collision on Manchester, Sheffield, and Lincolnshire Railway, on 1 February, at the New Holland Station.

Company reporting collision, on 1 February, at the New Holland station, between two passenger trains, whereby five or six passengers were injured.	5 February -	10 February -	- - Captain Galton appointed to inquire, and report.
Captain Galton reporting his inquiry into circumstances attending accident.	28 February -	28 February -	- - Transmitted to Company copy of report, and called attention to observations contained therein.
Company in reply to communication of 28 February.	7 March -	—	

Collision on Midland Railway at the Burton Station, on 7 February 1853.

LETTER FROM	DATE OF RECEIPT.	DATE.	NATURE OF ACTION THEREON.
	1853:	1853:	
Midland Railway Company reporting collision, on 7 February, between an engine and some waggons at the Burton station, whereby one of the guards was slightly injured.	10 February -	10 February -	- - Captain Wynne appointed to inquire, and report.
Captain Wynne reporting his inquiry into circumstances attending accident.	19 February -	5 March -	- - Transmitted copy of report to Midland Railway Company; called attention to apparent habitual neglect of regulations at Burton Station; to want of siding accommodation thereat; and to statement of South Staffordshire Railway Company as to unpunctuality in trains; transmitted to London and North Western Railway Company extract from report, and requested observations on statement of South Staffordshire Railway Company; transmitted to South Staffordshire Railway Company extract from report.
London and North Western Railway Company, in reply to South Staffordshire Railway Company's statement.	8 March -		

Accident on Great Northern Railway, near Bowyer Birch Siding, on 9 February.

Company reporting accident, on 9 February, at the Bowyer Birch siding, near Offord, to engine-driver of a coal train, from running his train, in disregard of signals, into station.	14 February -	14 February -	- - Captain Galton appointed to inquire, and report.
Captain Galton reporting his inquiry into circumstances attending accident.	28 February -	28 February -	- - Transmitted to Company copy of report, and directed attention to observations contained therein.
Company acknowledging communication of 28 February.	4 March -	—	

Accident on Great Northern Railway, on 27 February, at the Little Bytham Station.

Company reporting accident, on 27 February, from a coal train running into a passenger train which was standing at the Little Bytham station, causing injury to two passengers.	2 March -	2 March -	- - Captain Galton appointed to inquire, and report.
Captain Galton reporting his inquiry into circumstances attending accident.	16 March -	18 March -	- - Transmitted copy of report to Company, and remarked on want of punctuality in trains.

Appendix, No. 10.

LANCASHIRE AND YORKSHIRE RAILWAY.

Railway Department, Board of Trade,
Sir, Whitehall, 13 November 1852.

I am directed by the Lords of the Committee of Privy Council for Trade to transmit to you, for the information of the Directors of the Lancashire and Yorkshire Railway Company, a copy of the report their Lordships have received from the officer appointed by them to inquire into the circumstances which attended the collision that occurred near the Bolton station upon the Lancashire and Yorkshire Railway on the evening of the 23d August last.

My Lords direct me to request that you will call the especial attention of the directors to the observations in the report upon the following points:—

1st. The insufficient accommodation for the traffic at the Bolton station.

2. The improper encouragement of excursion traffic without due provision for its conduct.

3d. The great want of punctuality in the trains, caused in a great measure by the absence of proper arrangement for the excursion traffic, and particularly at the Liverpool station.

4th. The flagrant breach of the regulations framed by the company for the guidance of their servants and for the safe-conduct of the traffic, trains being permitted to pass the Lostock Junction at a less interval than the five minutes prescribed in the regulations as the time within which trains are not to follow each other. It appears that seven trains were allowed by the junction signalman to pass within a quarter of an hour.

5th. The insufficiency of the instructions sent to the signalman at the Bullfield siding, as to which their Lordships concur with the opinion expressed in the report that the unfortunate man might reasonably consider that they did not apply to his station.

6th. The overloading of the engines.

7th. The insufficiency of break power attached to the train, and especially that there was no break at the tail of the train, a precaution which upon a line with the gradients of the Lancashire and Yorkshire Railway appears more particularly requisite for the safety of passengers.

8th. The variety in the construction of the carriages and the inequality in the height of their buffers.

9th. The insufficiency of the establishment of the company for conducting a traffic of the extent to which it had been brought by the encouragement given by the company to excursionists.

10th. The absence of timepieces on the railway by which the servants of the company may regulate their proceedings.

My Lords direct me to inform you that it is with much regret that they now have to call the attention of the directors to a condition of things upon their railway which, from the report of the company's manager, and of the officer appointed by their Lordships to inquire into the accident, displays a degree of disregard to the safety of passengers and of the servants of the company which, after the repeated warnings the directors have received, and the accidents that have already happened on their lines, appears to their Lordships most reprehensible.

My Lords direct me to request that you will call to the attention of the directors the letter from their Lordships of the 6th August, in which was forwarded a report of one of their officers upon a fatal accident that occurred at Burnley, and in which, after pointing out the insufficiency of the arrangements and establishment for conducting the excursion traffic at that station, and the apparent want of supervision and discipline among the servants of the company, their Lordships expressed their trust that the company would take the warning which they had received from that painful occurrence, and that they would take measures to ensure a greater degree of vigilance, and not allow excursion trains to proceed upon their journeys without having carefully ascertained that all arrangements have been made wherever necessary to ensure their safety.

I am also to observe, that in the report forwarded with that letter the company's attention was particularly called to the inequality in the height of the buffers of their carriages.

My Lords desire me also to observe, that in a letter dated the 15th March last, having reference to an accident that occurred at the Bury station, their Lordships had occasion to point out to the directors the very great responsibility which must attach to them if any accident should again occur upon their railway from a deficiency of the working staff of the company.

The attention of the company has also been repeatedly called to the necessity of a due provision of break power, and especially at the end of the trains, upon their railway. This

Appendix, No. 10.

Lancashire and Yorkshire Railway.

defect was particularly called to the attention of the directors in the report before the collision that occurred at the Bootle station on the 26th July, and to which the serious attention of the company was called by a letter from this department on the 31st August.

My Lords direct me also to express their regret that the directors should have continued to run excursion trains, as appears to have been the case from the applications that were made to their Lordships for their approval of these trains, after the directors had received the report of their own superintendent upon this accident recommending the discontinuance of this description of traffic.

I have, &c.

The Secretary of the Lancashire and Yorkshire Railway Company.

(signed) *J. L. A. Simmons*, Capt. Royal Engineers.

Railway Department, Board of Trade,
Whitehall, 3 November 1852.

Sir,

I HAVE the honour to report to you, for the information of the Lords of the Committee of Privy Council for Trade, the result of my inquiry into the circumstances attending an accident which occurred near the Bolton station, upon the Lancashire and Yorkshire Railway, at 9.30 p.m., on the evening of Monday the 23d August last.

The direction and management of the company's business at the Bolton station is attended with considerable difficulty, and the public is at present subjected to a needless amount of risk from the insufficient accommodation provided at that station for the enormous traffic which its peculiar position with respect to the rest of the Lancashire and Yorkshire system causes to pass through it. The Bolton station bears the same relation to the Lancashire and Yorkshire Railway which the narrow neck of an hour-glass bears to the expanding space above and below.

The lines from Preston and the north-west, and from Liverpool and the south-west, on the one side, meet at the Lostock Junction, $2\frac{3}{4}$ miles from Bolton; and the lines from Manchester on the south, from Bury and the Yorkshire districts on the eastward, and from Blackburn on the north, meet on the other side close to the entrance of the station; and the amount of work consequent upon so great an interchange of traffic, from the frequent breaking up and remarshalling of trains, and the shifting and exchanging, sorting and classifying the passengers and goods, demands an extent of accommodation far greater than the Bolton station at present affords.

To instance one defect: the whole of the Lancashire and Yorkshire Company's traffic from Preston and the north-west, and from Liverpool and the south-west to Manchester and to the Yorkshire districts, is conducted through the Bolton station upon a single line of rails, very badly provided with platform accommodotion, and the consequence is that the frequent delays which occur to some of those trains retard and impede the traffic from the northern and western districts. The extent to which this inconvenience is felt may be estimated from the circumstance that on the Monday when this accident occurred 108 trains passed through the Bolton station, and that on the Saturday previous the number had been 134.

The platforms at the Bolton station are far too short for the present traffic; the longest will only afford communication to a train of 16 carriages, while many of the trains consist of upwards of 30 carriages. Unreasonable delays therefore sometimes arise in sorting and classifying the passengers, particularly in excursion trains—a description of traffic that has lately increased to an unprecedented extent. It will be seen from the circumstances described in this report that the insufficient accommodation at the Bolton station was one of the principal causes of the collision.

The manner in which the collision took place was as follows:

The afternoon Parliamentary train from Liverpool had started half an hour late from that station, and had been swelled by the accession of return excursion passengers to such an extent that the load proved too great to be moved, even by two engines, at the requisite speed, and the train was too long to be accommodated at any of the stations, and continuing therefore to lose time on the road, and at each station, it had reached the Lostock Junction one hour and 20 minutes late, and had been detained there for 20 minutes longer, while the tickets, of which there were about 1,200, were being collected. At length the train reached Bolton at five minutes past nine, one hour and 50 minutes behind time, and was there detained for 40 minutes while the passengers were being sorted.

These repeated delays retarded and interrupted the whole of the traffic from the northern and western districts; for while the train was stopping at the Lostock Junction to enable the staff to collect the tickets, two goods trains and an excursion train from Liverpool came up and stopped upon the line behind it, and a goods train and two excursion trains from Fleetwood and Blackpool came up upon the Preston line, and the whole seven trains were detained at the junction till the Parliamentary train could move on.

The Parliamentary train moved on about five minutes to nine, and the other six immediately followed with intervals of about a train's length between them; the seven trains passed the junction within less than a quarter of an hour. The company's regulations direct that no two trains shall ever be allowed to follow one another through the junction at a less interval than five minutes, but the company's officers had neglected to provide any means of measuring such intervals, and the rule was therefore disregarded. When the Parliamentary train stopped at Bolton the other six drew up immediately behind it; and

the

the last of the six, a goods train from Liverpool, extended back to a place called Bullfield, 1,200 yards from the station. It had stood there a few minutes only when the ordinary 7.30 passenger train from Liverpool, then three quarters of an hour late, came up behind it, and ran into the luggage van which stood behind the waggons. This train, in its turn, was followed closely by a heavy excursion train returning from Fleetwood; but, fortunately, the driver of the latter succeeded in stopping it when his engine had reached within 20 yards of the last carriage, and was thus enabled to avoid a second collision. At that moment there stood in an uninterrupted line, reaching back upwards of a mile from the Bolton station, 11 engines and tenders, 10 luggage vans, 61 goods waggons, and 156 carriages, holding between 5,000 and 6,000 passengers; an accumulation of traffic perhaps unprecedented in railway history.

The afternoon parliamentary train from Liverpool is timed to leave that station at 5.40 P.M. It generally consists of from 12 to 14 carriages, which are usually well filled; on the Mondays especially so; from the circumstance that on that day this cheap train affords great convenience to two classes of the population. Many of the country people from the surrounding districts make it a practice to go up from the several road-side stations on the Monday morning with baskets of fruit and vegetables for the Liverpool market, and they return in the afternoon by the parliamentary train with their baskets full of provisions and other goods; and, on the other hand, numbers of artizans and workmen, who have been spending the Sunday and Monday in the country, are in the habit of waiting for the parliamentary train at the several road-side stations to return by it to their homes in the manufacturing towns. Owing to these causes, therefore, there is, even on ordinary occasions, a considerable amount of work to be done at every station on the arrival of the parliamentary train on Monday afternoon; and it was an injudicious arrangement to select that train for the conveyance of excursion passengers in numbers which could not be foreseen.

The arrangements which the Lancashire and Yorkshire Company make with respect to their regular and their excursion traffic, and the manner in which they allow the one to mingle with and derange the other, are somewhat peculiar, and perhaps this may be a convenient place to describe them.

As a general rule, the company issue single-journey tickets only for their regular trains. The use of return tickets is restricted to a few first-class stations, and there they are only issued to certain places, and are generally confined to the first and second class. The company appears to have no wish to increase their regular traffic by granting the accommodation which this system of return tickets affords.

But in seeking, on the other hand, to develop the irregular or excursion traffic, the company give a very great latitude of choice as to the times and the trains appointed for the return journey; allowing the holders of excursion tickets not only to return by the same or any other excursion train within 14 days, but giving them also the option of returning within the same period by certain of the regular trains; and the consequence of this latter arrangement greatly deranges the regular traffic, by rendering it impossible for the staff at any station to tell beforehand what extent of accommodation may be required in such trains to provide for the excursion in addition to the regular passengers.

When the parliamentary train drew up at the Liverpool station on the afternoon of the 23d of August, it consisted of the greatest number of carriages usually required, namely, 14 carriages and a luggage van; and these having been filled, for the most part, by the usual parliamentary passengers, the train was about to start at its appointed time, when suddenly a great number of excursion passengers presented themselves, and demanded to be conveyed by it.

The company's superintendent at Liverpool, on seeing this fresh accession of traffic, ordered the engine of the parliamentary train to be detached, and directed the driver to fetch up three more carriages; and as increasing numbers of excursion passengers continued to arrive while this was being done, the engine was again sent away and fetched up seven others. Meantime, however, increasing crowds of excursion passengers continued to arrive, and the engines had to make a third and a fourth trip, bringing up ten more carriages and a luggage van; and at length the train was got away, half an hour behind time, with two engines and tenders, two luggage vans, and 34 carriages, mostly of the third class, completely filled. Instead of allowing this vast number of excursion passengers to enter the station, and take their places in the train long after the time appointed for starting had elapsed, the superintendent should have started the train at its appointed time, and closed the Lancashire and Yorkshire side of the station for that purpose exactly at 5.40 P.M.

The train stopped at every intermediate station, and, as may be supposed, great delays occurred at each. The carriages extended far beyond the platforms, and great difficulty was experienced in getting out the passengers who wished to alight. Many of the regular passengers were old and infirm people, encumbered with baskets, and some of the excursion passengers, who had been to the Isle of Man, from whence they had brought back a supply of spirits, were boisterous and unruly. Great delays occurred also in seeking through the crowded carriages of the long train for vacant places for the passengers who were to be taken up. Lastly, in ascending the Westhoughton Bank the engines could scarcely move the heavy load, and owing to the combination of difficulties the train reached the Lostock junction an hour and twenty minutes behind its appointed time.

After having been uncoupled and re-marshalled at Bolton, the Manchester division of the carriages left that station two hours and thirty minutes late; having by its delay

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caused such a derangement of the traffic, that eight other trains had been brought to a stand, and one collision had taken place, and another been very narrowly avoided.

The regular 7.30 passenger train from Liverpool had started 10 minutes late, and being a heavy train, had reached Westhoughton, four miles and a half from Bolton, about 40 minutes behind time. There a delay of 10 minutes took place, to collect the tickets, there being but one guard to the train, and the number of tickets to be collected being unusually great, from the circumstance that half the carriages were filled with excursion passengers. At length the train went on, and passed the Lostock junction about a quarter of an hour after the last of the seven preceding trains. As it passed the junction a long excursion train came up on the Fleetwood line, and checking speed to allow the Liverpool train to pass, followed it through the junction and kept it within sight.

As these two trains passed the Lostock junction the drivers perceived that the junction signals showed a green light, which implied "caution," as there was a train ahead that had passed between five and ten minutes. The last of the preceding trains had then passed the junction nearly a quarter of an hour, but still the signalman at the junction showed a green light, considering that "caution" might be requisite from the great accumulation of traffic in front.

At the place where the last of the trains that were then detained outside the Bolton station stood there is a coal siding which is frequently used in the daytime; it is called the Bullfield siding; and to protect the traffic while coal trains are shunting at that point, auxiliary signals are erected at some distance on either side, and are worked by wires from levers fixed near the switches. A pointsman is stationed in the daytime at this place, whose duty it is to work the points of the siding, and when so working them to give notice of the obstruction to all approaching trains by turning on the auxiliary signals on either side. This pointsman's duties commenced at half-past six every morning, and on ordinary occasions ended at 8 P.M., and as at that hour two of the regular trains, a passenger train from Liverpool and a passenger train from Preston, were still to arrive, it might naturally be inferred that he was not placed at that siding to interfere with the passenger traffic, but simply to signal any obstruction arising from the working of his own points, a duty that ended at 8 P.M.

In common, however, with all the servants of the company, the pointsman at the Bullfield siding had received a printed advice note stating that certain excursion trains would run on certain days; and a note at the foot of the printed paper directed the company's staff, as follows:—

"Keep your signals lighted, and be prepared for these and all future special trains till they have passed home, and keep a good look-out for any extra trains, engines, &c. of which you may not receive advice. See that all the servants at and near your station understand the notices issued from time to time. Enter this and all future advice notes in your book, and after the trips are over return it to this office, entering the times the trains left, arrived, or passed your station, and writing across the face of it the date when you received it, and that it is duly entered."

A copy of this notice had been sent to the pointsman, and the company's officers are of opinion that the direction to keep the signal lighted till the last of the excursion trains had passed applied to the signals at the Bullfield siding, and that the pointsman should therefore have remained at his post till all the excursion trains had gone past him, and as the man had extinguished his lamps and gone home at 8.45 P.M., and as one excursion train, the last, had not yet passed at the time when the collision took place, they attribute to the man's neglect of duty the whole blame of the collision. Immediately after the collision the clerk in charge of the Bolton station asked the pointsman whether his lamps had been lit; and the pointsman replied, that they had not been, as he had extinguished them, as usual, before going home. The clerk in charge asked him whether he had not received a copy of the printed advice note, and the man replied that he had, that there was one then pinned up in his cabin, but that he did not understand from it that he was to remain on duty till that hour of night. The clerk in charge told him that he should find it so in the morning; and on hearing this it appears the man went home, told his wife they meant to put the whole blame upon him, and went and committed suicide.

On reading the advice note, however, it appears to me that it was specially addressed to the station masters, and to the station masters only, and that it referred to the signals that were to be shown, and the entries that were to be made at the stations where books were kept and a sufficient staff was supposed to be present to carry the advice into effect. It does not appear to me that the simple delivery of such a paper to the pointsman at the Bullfield coal siding, unaccompanied by any verbal direction or explanation, made it certain that he was to consider himself charged with any additional duty after the ordinary hours of his attendance had elapsed. I should infer from the terms of the notice that if it were considered necessary for the safety of the traffic that the Bullfield signals should be used after 8 P.M., not for the ordinary purpose of signalling the working of the siding, but as an additional protection to the extra traffic, it was the duty of the station master at Bolton to have given definite instructions to that effect; and as no such directions had been given, I do not see how the pointsman can be considered to have neglected his duty in not remaining at his post after his ordinary duties were over. The man remained at his post till 8.45 P.M., three quarters of an hour later than his usual time; and though his then going home showed either great indifference to the safety of the traffic or an unfortunate want of judgment, and though his absence at so critical a time proved one of the immediate causes

of

of the collision, I do not see that, by the strict letter of the company's regulations, he was required to act otherwise.

The effect, however, of the absence of signals at Bullfield was disastrous to the Liverpool train. As the driver approached the siding he checked his speed, and looked to the auxiliary signal to see whether it gave any warning of danger, and seeing none he went on, and had come up to within about 130 yards of the signal post when, suddenly, on rounding the curve, he perceived the tail lights of the goods train which stood in front. Every effort was then made to stop, but it was too late. The distance at which the tail lights could be seen round the curve was only 320 yards, and the Liverpool train was moving on a descending gradient, and was a heavy train, and there was but one guard's break. The engine was still moving, though very slightly, when it met the break van of the goods train in front. The shock was very slight. Had there been a second guard's break it would in all probability have been entirely avoided.

The goods train sustained no damage, and even the tail lamps of the break van, which received the blow, were uninjured, and the driver and fireman, who remained on the Liverpool engine, scarcely felt the concussion. Had all the carriages of the passenger train been of uniform construction it is probable that no damage whatever would have been done; but the rolling stock of the Lancashire and Yorkshire Company includes carriages of various patterns and modes of construction, some being their own originally, and others taken over from the various lines with which they have at different times amalgamated, or which they have purchased or leased, or which they work by contract, and there is consequently but little uniformity in the stock, and the buffers, standing in many instances at different heights from the rails, do not always meet, and thus become sources of danger rather than means of safety. A marked instance of this occurred in the present case. The buffers of the third carriage in the train stood far lower than those of the second, and on the collision taking place, they were forced under them, and tilted up the second carriage upon end, by which the second carriage and the adjoining compartments of the first and third were broken and damaged, and 15 persons who rode in them were seriously injured, nine of them being hurt so severely that it was found necessary at once to remove them to the neighbouring cottages.

The circumstance of there having been but one guard's break attached to the 7.30 passenger train from Liverpool was one of the immediate causes of the present collision. From the extent to which the driver and fireman and the single guard were enabled to check the speed of the train, it is evident that had a second guard's break been applied the disaster might have been entirely avoided. The train consisted of an engine and tender, 14 passenger carriages, and a guard's van, which stood in front, next to the tender. There was no break behind; and in addition, therefore, to the danger arising from the increased difficulty of stopping the train, there was a constant risk of some serious accident had any of the carriages become detached while in motion. This latter risk is clearly pointed out in the company's printed regulations, and they give directions for avoiding it, which in practice, when no break is attached behind a train, it is impossible to carry out.

The company's printed rules direct that "If any part of a train is detached while in motion great care must be taken not to stop the train in front before the detached part is stopped; and it is the duty of the guard of such detached part to apply his break, to prevent a collision with the carriages in front in the event of their stopping."

This rule evidently implies that there shall be a guard provided with an efficient break at the tail of every train; and it gives instruction how a danger, which not unfrequently arises, is to be met. But such rules only embarrass the company's servants when the means of complying with them are not provided. For how is the driver to comply with the direction not to stop his train till the detached carriages have stopped, when possibly those carriages, unchecked by a break, may be following him down an incline, upon which they would never stop of themselves? In such a contingency the driver, unable to comply with impracticable rules, might be reduced to the dilemma, either of running on regardless of all signals and taking the chance of a collision in front, or of stopping to incur the certain disaster of being run into by his own carriages which were following behind.

On reviewing all the circumstances of this accident so many causes are seen to have combined to produce the catastrophe, and in the course of the inquiry so many instances came to light in which the practice of the Lancashire and Yorkshire Company might be amended with profit to themselves and with a great increase of safety to the public, that it is extremely difficult to arrange and classify so many detached yet combining influences.

Among the immediate causes which led to the collision, and caused its consequences to be so serious to the passengers may be ranked:

1st. The defective arrangements and want of proper accommodation at the Bolton station.

2nd. The injudicious arrangements, by which the uncertain and irregular excursion traffic was allowed to interfere with, overload, and derange the regular trains.

3d. The blamable practice of running passenger trains without any guard's break behind.

4th. The want of uniformity in the height of the buffers of the carriages composing the passenger trains.

5th. And last, though certainly not the least important, it is my opinion that at the time of the accident the whole of the working staff of the company were overworked.

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The company had sought by a great extension of the excursion traffic to increase the receipts of the line, and had made no adequate provision to meet the increased demand for accommodation, and the consequence was that the whole of the working stock and of the working staff were taxed to execute an amount of work which could not be continued for any time without an accident.

As one instance among many illustrating the insufficiency of the working staff which came to my notice, I may here relate a circumstance which occurred in the course of the present inquiry. I had asked for the books kept at the Bolton station, in which were noted down the arrivals and departures of all trains, the number of carriages, waggons, &c. composing them, the number attached or detached, and the causes of detention, if any took place. On examining the entries in this book, I found them in the majority of instances at variance with information derived from other sources, and I asked for an explanation of the discrepancy from the clerk in charge. His explanation was to the following effect:

It appears that there are two men appointed at the Bolton station to keep the books I speak of, and that they come on duty, one at 6.30 and the other at 7.15 in the morning, and remain on duty till half-past eight at night. One of them, however, is always engaged in the passengers luggage depôt, receiving and booking or delivering the luggage, and of course, therefore, can know nothing about the trains. The other has to receive all the parcels from the guards of every train, and to take them to the parcel office; to take all the outward parcels from the parcel office and deliver them to the several guards; to receive all fish, of which there are sometimes from two to three tons; to see that the parcels of fish are all right, and to load them on the company's fish cart, and dispatch them to their several addresses in the town, and to report the parcels and addresses to the parcel clerk. In addition to these duties, these men have to sort all the passenger tickets, excursion and regular, collected at Bolton and Lostock junction, at Horwich and Darcylever, Yorkshire line, at Bromley Cross from the Blackburn line, and at Moses Gate from the Manchester and Bolton line; and in addition to these multifarious duties they are expected to make accurate entries in the arrival and departure books of every circumstance relating to the trains, of which upwards of a hundred pass through the station every day. It is needless to add that I found that the entries were not to be depended upon.

In addition to the circumstances which I have classed together as the immediate causes of this accident many other faulty arrangements in the management of the traffic came to my notice in the course of the present inquiry; and as some of these faulty arrangements materially affect the safety of the public upon the Lancashire and Yorkshire lines, I think it necessary to describe them.

It appears to me that the arrangements made by the company for organizing and conducting the excursion traffic were such as must necessarily expose the public to considerable danger. I have already alluded to the mischievous effects produced by allowing the excursion passengers to overload and derange the regular trains. I beg now to point out some other dangers attending the manner in which the excursion traffic is arranged. The Lancashire and Yorkshire Company have two classes of excursion trains. The first and most dangerous is that which they intrust to the management of agents, who undertake, at their own cost, to advertise cheap excursion trips in various towns, and in some places to issue tickets, the number of which is only limited by the demand. In return for the service the company allow the agents 10 per cent. upon the gross receipts. The tickets are all of the third class, and the fare is a single third-class fare for the out and home journey, giving the holders the option of returning, as before described, by any excursion and by certain of the regular trains within fourteen days. Certain hours are appointed for the starting of these trains, and the company provide engine power and carriages; but as the number of passengers can never be foreseen, the provision of carriages is sometimes far too great, sometimes altogether insufficient, and frequently from five to ten carriages are added, and the engine is encumbered with a greater load than it can move with sufficient speed to ensure its being able to keep clear of the regular traffic. The train then starts, with general instructions to the driver to make his way as best he can to his destination, to keep a good look-out ahead, and to avoid to the best of his ability any interference with the regular trains. No time is fixed for passing any station, nor is there any time fixed for the arrival of the train at its journey's end. Everything is left to the discretion and judgment of the drivers, and fortunately for the public the drivers are generally very intelligent men. On the return journey the same rule holds. A certain hour is named for starting, but after that nothing is fixed; the drivers being simply told to make their way back as best they may. It would be superfluous to point out how so lax a system must endanger, not only the excursion but the regular traffic.

The next class of excursion trains on the Lancashire and Yorkshire lines consists of extra trains, started at the request of individuals for the conveyance of a definite number of persons from one place to another and back the same day. This class of excursion trains is not so dangerous as the last, inasmuch as the company's servants can always tell with certainty the amount of accommodation which will be required, and can thus always ensure the engine power being proportioned to the load, and inasmuch also as the passengers all returning the same day have not the option of overcrowding and overloading the regular trains; but in every other respect they are as injudiciously conducted; no times being fixed for the arrival either at their destination or at intermediate stations, and everything being left to the skill and watchfulness of the drivers and the efficiency of the signals along the line.

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The extent to which the excursion traffic has lately grown upon the Lancashire and Yorkshire lines has been so great that the material sources of the company have been strained to a degree which, were it continued for any length of time, must necessarily be attended with danger. Carriages of every description discarded from the regular traffic are pressed into the service to make up the excursion trains, and the working staff at the stations, already reduced to a point of doubtful efficiency, is still further weakened by the necessity of sending out the best porters to act as guards.

The next point which peculiarly requires amendment in the arrangements of the Lancashire and Yorkshire Company is the want of any means of enabling the drivers and guards to know the exact hour; for when such means are not provided it is impossible to ensure any regularity in the conduct of the traffic. At present there are no clocks visible from the line at most of the stations, and the company neither provide watches for their servants nor require that they should purchase them themselves. The inconvenience and the risk arising from this circumstance is severely felt by the best of the company's servants, and I cannot too strongly impress upon the company the necessity of amending it.

To give one instance of the inconvenience and the dangers arising from the present state of things, I may adduce what occurred on the day of accident at the Lostock junction, one of the most important points on the line.

At the Lostock junction there was no clock, and the pointsman had no watch, and it was therefore clearly useless to publish rules for the working of that junction, directing that no train should follow another at a less distance than five minutes, and that a caution signal should be shown for five minutes more. The pointsman had no means of estimating the intervals of time; and among all the servants of the company present with the seven trains that were detained at the junction on the 23d August, I could only find one who had a watch with him, or who could give me even a moderately accurate estimate of the time. One of the company's servants, a guard, was wrong in his reckoning to the extent of an hour.

I would recommend to the company to revise the whole system of their excursion trains; to run those trains to a regular time bill; to put an end to the arrangement which allows the excursion passengers to derange the movements of the regular traffic; and to restrict the extension of the excursion traffic to such an amount as they can conduct without overstraining the capabilities of their working stock, or the energies of their staff.

I beg also to recommend that the immediate attention of the directors be called to the want of adequate accommodation at Bolton, and to the necessity of enlarging that station to meet the wants of the growing traffic.

The dangers arising from the practice of running passenger trains with no guard's break behind has been so clearly pointed out in this and in a previous report which I made upon an accident which occurred some time back to a Lancashire and Yorkshire train near Liverpool, and those dangers are so clearly foreseen in the company's printed rules, that I trust the practice will forthwith be discontinued.

I shall conclude this report by again stating my conviction, that it will be impossible to conduct the business of the company with order and punctuality unless adequate means are provided to enable the company's servants to know the exact time.

I have, &c.

James Booth, Esq.,
&c. &c.

R. M. Laffan,
Capt. Royal Engineers.

P.S.—I beg to annex to this report a copy of a special report upon the same accident addressed by the general manager of the Lancashire and Yorkshire Railway to the Board of Directors, from which it will be seen that the general manager feels very strongly the dangers arising from the manner in which the excursion traffic has been extended.

Accident at Bullfield.

Special Report to the General Board of Directors of the Lancashire and Yorkshire Railway.

Gentlemen, 25 August 1852.

On the evening of Monday the 23d instant the regular passenger train leaving Liverpool at 7.30 P.M. for Manchester left 15 minutes late, owing to the crowded state of both sides of the station from the great influx of regular passengers as well as excursionists, both of this company and the East Lancashire; the excursion trains having preceded it (the 7.30 train), which latter train consisted of a luggage van and 15 carriages, losing one quarter of an hour on the road between Liverpool and Lostock junction, owing to the weight and gradients on the Wigan and Westhoughton banks; on arriving at Lostock junction they were turned on to the Bolton and Preston line, with a caution signal, indicating that a train had passed within 10 minutes, and they approached Bullfield cautiously accordingly, but seeing no signal at that post they proceeded on at a moderate pace round the curves, on opening which, the tail lights of a goods train were seen, and the engine immediately reversed and the break put on, but before the train could be brought up they ran into the luggage train, and by the concussion and weight of the train seven carriages were more or less injured, and several of the passengers that were in the train, one boy of 11 years of age

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very seriously, to all of whom every possible assistance was and is continued to be rendered. This accident arose from the man in charge of the signal at Bullfield (where he had special instructions to attend until the trains were all in) having put his light out and neglected to display his signal, and the guard of the luggage train that was standing on the main line not having time from the stoppage of his train to proceed back with a red light.* The point and signal man, after the dispersion of the trains, was found locked up in his cabin, having committed suicide by hanging himself. The goods train was the Liverpool, Halifax, and Bradford one, and was stopped in the Bolton station by excursion trains and preceding goods trains. The subject of these excursion trains has assumed such an aspect as to render it quite impossible to preserve anything like order or regularity at the stations when they return; indeed their numbers are such as to overpower any number of porters, inspectors, or police that could be made available; and this year, with much less inducements offered by us to travel than on previous occasions, they have, as well as the regular passengers, presented themselves in numbers, taxing to the utmost the working stock of the company as well as the powers of their servants; and on Monday last, especially, the quantity of goods moving on nearly all parts of the line rendered these difficulties still more apparent, and as may be supposed, from there being in the Bolton station at the time of the accident not less than 250 carriages and waggons, composing different trains of goods and passengers, with two other passenger trains and a goods train to arrive. We propose, with the sanction of the Board or Traffic Committee, to limit very much or altogether to discontinue the cheap excursion trains for the rest of the season, or curtail them as much as the limits of those that have engaged carriages will permit, as not only are we running imminent risk by having to employ in many instances "green hands" unacquainted with their duty, as many of the best of our own men are laid up from diarrhœa.

Lamentable as this and the accident at Barnsley have been, unfortunately these occurrences are not confined to this line, nor are the irregularities or want of punctuality growing out of them, for on almost every line with which we are in connexion the same cause of overloaded passenger and excursion trains is producing the same effect as to want of punctuality.

The staff in the passenger department at Bolton consists of—

1	clerk.
1	assistant.
1	boy.
1	station master.
1	inspector.
1	van driver.
1	policeman.
10	pointsmen.
11	porters.
1	errand boy.
29	

and in the goods department 24 porters, who are, in cases of emergency, at the disposal of the station master in the passenger department, and for which they receive extra pay, if employed out of their regular hours.

I have, &c.
Jno. L. Laws.

Lancashire and Yorkshire Railway, Secretary's Office,
Sir, Manchester, 21 December 1852.

On the subject of your letter of the 13th November ultimo, enclosing copy of a report from Captain Laffan, R.E., of his investigation of the circumstances connected with the accident which occurred near Bolton on the 23d August last, I have been desired by the directors of this company to forward, for the information of the Lords of the Committee of Privy Council for Trade, the accompanying copy of a report in reply from the general manager, Captain Laws, R.N.

I am, &c.
Jno. Dunstan, jun.,
Secretary.

Captain Simmons, R.E.,
&c. &c.

Collision at the Bolton Station on the 23d August last.

Gentlemen, Manchester 25 November 1852.

In reference to Captain Laffan's remarks hereon, and of the capabilities and difficulties of the Bolton station, there is no doubt that difficulties exist, and with regard to the length of the platform, being capable of only accommodating 16 carriages, that applies to two sides of the station, in addition to which there is a centre platform which accommodates a train on each side, as does part of the eastern platform, and these two (that is, the centre and

* This was the purport of his evidence on oath before the magistrates.

and eastern platforms,) give double in the one case, and a third more accommodation in the other, than the ordinary side platforms do, and it is only on extraordinary occasions, such as these excursion trains, that the platforms are deficient; and as the Board had already decided, two months before the receipt of Captain Laffan's report, that they would in future limit the extent of the excursion traffic, and had made arrangements with other companies for passing part of the goods and passenger traffic by other routes that now passes through the Bolton station, and had made preparations to apply to Parliament for power that, if granted, would still further relieve it, I am not aware that anything more than the arrangement of points, crossings, and sidings (which I herewith submit) can be done to remedy the difficulties represented by Captain Laffan as existing at that station, the area (about 12 acres) and shape of which is limited by stipulations which Parliament insisted on in passing the four Acts for constructing railways running into and using that station, viz., Manchester, Bolton, and Bury Railway and Canal, Bolton and Preston Railway, the Bolton, Blackburn, Clithero, and West Yorkshire Railway, and the Liverpool and Bury Railway.

With regard to the remark upon the indiscretion on the part of the superintendent at Liverpool in detaining the regular passenger train for the excursion passengers, there can be no question, which he did under a wrong impression, that the engine and train intended to take them had not arrived, from its being unable to come into the Titheburn-street station, owing to the enormous influx of passenger trains, both on the East Lancashire and Lancashire and Yorkshire sides of the station, and a vast increase of passengers on that day, swelled by an unexpected circumstance, that is, unexpected so far as the regular traffic of the line is concerned, viz., the sailing of the Great Britain steam ship on the previous Saturday for Australia, to witness the departure of which thousands of people visited Liverpool with the ordinary tickets, and remained over Sunday. With reference to the proceedings at Lostock junction, as to the arrival of so many trains at near the same time, I consider the pointsman, as well as the engine-drivers and guards, used a sound discretion in drawing forward on a fine summer's evening to where they would be protected by the signal lights of the junction itself, and covered by the Bullfield light at a distance of 800 yards from each other while in motion, which is in accordance with their instructions under extraordinary circumstances, in preference to staying at a point of junction where they would have had to have detached their guards on both lines to have displayed a much less perfect signal than that by which they would be covered, as indeed was proved by their arriving safely at the Bolton station, and within the Bullfield signal; and this proceeding did not rise from any disregard of the usual and ordinary course of instructions, as Captain Laffan supposes, but from the unusual and extraordinary fact which brought the second order for one train approaching another while in motion into operation. With reference to the collision itself, it arose wholly from the neglect of the unfortunate man who had been especially appointed to the duty of attending to the Bullfield signal and lights; and Captain Laffan has assumed a cause for exculpating this individual, a very special pleading, directly at variance with the evidence given both to himself and the coroner's jury, and the whole course of his remarks in reference to this, the admitted principal cause of the accident, is well calculated to relieve from responsibility and loosen discipline from the only parties who, after all, can actually carry out details, that is, the engine-drivers, guards, and signalmen.

In reference to Captain Laffan's remark as to averting a second accident, that was averted by the ordinary course pointed out by the general instructions, by the engine-driver of the train which pitched into the goods train sending back a light to protect his own train, which would not have been required had the unfortunate man at Bullfield performed his duty by lighting his lamp, and which was repeated on the succeeding train in like manner. Captain Laffan has indulged in other speculative opinions as to the character of the traffic, the mode of issuing tickets, and the disinclination of the company to develop it as between Liverpool and Bolton, which are certainly not borne out by the facts; the only intervening town being Wigan, the other part of the line running through a coalfield, and not an agricultural district, as is stated, more scantily inhabited, probably, than any other part of the Lancashire and Yorkshire system, and the total receipts for the 11 intermediate stations being only 122*l.* for that week for all description of passengers and parcels, the lowest average receipt being 8*s.* 7*d.* and the highest 4*l.* 14*s.* 4*d.* per day; and the means of developing which on this, as well as other parts of the line within the limits of their Act of Parliament, it can hardly be considered presumptuous in supposing that many years' experience in the character of the traffic and the wants of the public may be as well understood by the Board of Directors as that of a mere cursory and speculative opinion, founded evidently upon very superficial information; and with reference to the development of excursion traffic during the last summer, the general prosperity of the country did magnify it so rapidly after the fine weather set in, so as to tax the entire energies and stock of the company to an extent never before approached, and having been committed to afford, in the various districts served by this company, the same facilities they had on previous years, they could not curtail them without causing grievous disappointment to the industrial classes, which all the other railways in the neighbourhood were supplying to as great a comparative extent.

With regard to the break van. From the vast number of junctions, and, generally speaking, the numerous and short trains supplying the wants of the Lancashire and Yorkshire district, it is impossible practically to carry out the system of having a luggage van in front and a luggage van in the rear of each train; as trains starting from Liverpool, Manchester,

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Manchester, Normanton, and Goole would in many places be so encumbered and detained by the attachment of such vehicles to each, that it would be practically impossible to carry it out. We therefore have a considerable number of break carriages, in addition to the break vans, and whether the van or the break carriage be in the rear of the train the guard has to ride on it, which gives, so far as a retarding force goes, the same security that a van does.

Now, with regard to Captain Laffan's remark on the manner in which these excursion trains are worked, and his objection to employing agents. As respects the latter, they are in every respect in addition to the company's staff, and they send people locally acquainted and locally interested with the excursionists, to, as far as they can, guard them from imposition and mistakes, and in every other way to contribute to their reasonable enjoyment; and the objection to their employment, urged by Captain Laffan, has evidently been put forward on imperfect information; for whether the company trusted wholly to their permanently employed servants, nothing that he urges as to the unequal or excessive supply of carriages and means would be in the slightest degree altered, which is proved by the large description of excursionists carried wholly without their assistance, when the numbers depend more on the state of the weather than any other circumstance, and consequently, without the control of the elements, the only preparations that can be made, either in the one case or the other, is an approximation to probable wants limited by our capabilities, as we have as early information, under any circumstances, from the agents as we could have from our own permanent staff of the number of tickets likely to be issued, and which in the case of the agents is limited, while in the case of the permanent staff they are supplied with a stock to meet all ordinary or extraordinary circumstances; and the object of employing the agents is, first, to afford information and protection which the company's regular servants could not contribute; and, secondly, to prevent the attention of the ordinary staff being diverted from the regular traffic.

Now, with regard to the mode of working these trains, which Captain Laffan says is so obviously objectionable as to make it superfluous to point out how so lax a system must not only endanger the excursionists, but the regular passenger traffic, the precautions are precisely those which necessarily occur every day on almost every line in the kingdom where any additional train from the ordinary ones is run, and, in addition, consists as follows:—Every week, when any excursion trains are appointed to run, there are certain days selected for them, being, indeed, those most convenient for the parties themselves, but limited to certain days of the week and certain hours for starting from every point where they have to take up or set down passengers; the stations they do not stop at are treated as all time bills are,—omitted in the bill; and every station, whether the train stops at it or not, as well as every point of junction, is furnished with a list of the trains and the time they may be expected to stop, if they do stop, either for taking in water or taking up or putting down passengers; but, as all these trains are made subservient to the regular trains, no possible reliance could be placed upon strict punctuality of arrival, which, in fact, depends more on the weather, or any change in the weather, than Captain Laffan seems to have taken into consideration; and the electric telegraph is at the disposal of every station, to inquire where they are, and afford any information to guards and engine-drivers, if necessary, which, together with the well-regulated system of signals established on the Lancashire and Yorkshire line, leaves the mode of conducting not so obviously objectionable as it seemed to have appeared to the Government inspector, who rests his whole faith of perfection on the reliance of what is not, and probably cannot be, practically worked out any day on any railway, viz., that of strict punctuality and perfect regularity in the speed and motion of trains, to place too much importance on which would be well calculated to relieve from responsibility the only parties who can really ensure safety, and with the precautions here detailed every practical means of carrying out the details to ensure safety must rest upon the engine-drivers, signalmen, and guards. I make this remark without at all wishing to undervalue punctuality, and the supply of clocks for the outside as well as the inside of stations and junctions, already ordered by the Board, will carry out that part of Captain Laffan's suggestion. In concluding these remarks, I cannot refrain from adding that great misconception very frequently exists on the part of casual inquiries with respect to the long hours that are exacted from certain railway servants, an opinion that Captain Laffan has evidently arrived at, in his endeavour to exculpate the unfortunate man at the Bullfield signals; the whole duty that this man had to do on ordinary occasions was limited to a very brief time in the day, and on the extraordinary occasions, when excursion trains were running, when he had always been called upon to attend his signal, which he had done on the previous Saturday night up to 10 o'clock, did not involve either in hours or exertion what is frequently done by an infirm woman at a turnpike gate, and from 10 o'clock on Sunday night to half-past six on Monday morning he had no duties at all imposed upon him, although he would frequently volunteer to take the duties for half a day for any one of the Sunday porters, and those porters would relieve him for the whole or a portion of the day on his making application to the station master. Captain Laffan also observes the custom in working the excursion trains is to take the best of the porters off to act as guards on the extra trains; that is very true, not only as regards the extra trains but with respect to the regular trains; all the guards on this line go through a considerable servitude as porters first, from the most intelligent and active of which the guards are selected, as the best school to qualify them for their duties, under the belief that an ordinary porter can be very much more readily furnished than a qualified guard; in carrying out the same system, whenever extra hands are wanted in the passenger department the very much more

more numerous staff of that attached to the merchandise traffic is placed at the disposal of every station-master to select his assistants from, in preference to engaging raw hands upon such emergencies, leaving the merchandise department to supply itself for any temporary service from that source; and, on the occasion to which Captain Laffan's report applies, in consequence of an epidemic (dysentery) existing throughout Lancashire and Yorkshire, we had to draw very frequently on this resource to supply the place of porters who were off duty from indisposition.

I have, &c.
Jno. M. Laws.

To the Board of Directors
of the Lancashire and Yorkshire Railway.

12, Wilton Crescent, Belgrave-square, London,
27 January 1853.

Sir,

I HAVE the honour herewith to return the papers which accompanied your letter to me of the 7th instant, and I regret that continued indisposition has prevented my returning them to you at an earlier date.

There are some passages in Captain Laws' second report upon the accident at Bolton upon which I wish to offer a few remarks, for I think they express opinions as to the management of railway traffic which, if actually carried into practice, must necessarily lead to danger.

In many respects, however, Captain Laws agrees with the views set forth in my report upon the same accident; as for instance,

1. That the accommodation at Bolton was insufficient;

2. That it was an act of indiscretion on the part of the superintendent at Liverpool to detain a regular passenger train for the accommodation of excursion passengers;

3. That it was necessary for the efficient working of the Lancashire and Yorkshire Railway that clocks should be visible from the line at all stations and junctions; and,

4. That the time had come when it was necessary to limit the extent of the excursion traffic, the rapid and dangerous development of which had, to use Captain Laws' own forcible expression, "taxed the entire energies and stock of the company to an extent never before approached;"

and I am happy to learn, from Captain Laws' report, that the company have made arrangements to diminish the amount of traffic which has hitherto passed through the Bolton station, by diverting it over other lines; that the clocks, so much wanted and so often demanded, are now being set up; and that the directors have resolved in future to limit the extent of the excursion traffic.

But upon several points to which I had called the attention of their Lordships in my report, I find that Captain Laws entertains opinions entirely opposite to mine; and as the opinions of the general manager of the Lancashire and Yorkshire Railway must necessarily exercise great influence over the safety of the public travelling upon that line, I deem it necessary to make a few remarks upon them.

Captain Laws states it to be his opinion that the company's servants at the Lostock junction "used a sound discretion in drawing forward on a fine summer's evening," instead of detaining the trains at the junction till the interval of five minutes between each train had elapsed; and he adds that the "proceeding" (of allowing seven trains to follow one another through a junction within less than a quarter of an hour) "did not arise from any disregard of the usual and ordinary course of instructions, as Captain Laffan supposed, but from the unusual and extraordinary fact which brought the second order for one train approaching another while in motion into operation." I really cannot sufficiently express the surprise I feel at finding such opinions entertained by the general manager of one of the principal lines in England.

I beg to hand to you herewith a copy of the printed instructions furnished to all the servants of the Lancashire and Yorkshire Company for their guidance. At page 16, you will find that, in common, I believe, with every railway company in this empire, the Lancashire and Yorkshire Company endeavour (as far as plain and definite rules can avail for that purpose) to ensure there being always an interval of at least five minutes between any two trains following one another through a junction, and that, so careful are the directors upon this point, that they give orders that even when the full five minutes have elapsed, the greatest caution must be observed; yet the general manager of the Lancashire and Yorkshire line thinks that his subordinates exercised a sound discretion in passing seven trains through the Lostock junction within less than a quarter of an hour!!! If such be the opinion of the general manager, of what use is it to issue any printed instructions? At

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page 18 you will find the "second rule, for one train approaching another while in motion," to which Captain Laws refers; and you will, I think, agree with me, sir, in considering that it has no connexion whatever with the working of a junction, but simply specifies the minimum distance to which one train overtaking another upon unguarded parts of the line may be allowed to approach.

Captain Laws thinks that, as regards the instructions sent to the pointsman at the Bullfield siding, I have "assumed a cause for exculpating that individual, a very special pleading, directly at variance with the evidence," &c. Now, if you will refer to my report, you will find that I did not exculpate the pointsman, for I said expressly that his leaving his post "showed either great indifference to the safety of the traffic, or an unfortunate want of judgment;" but you will also find what, perhaps, the general manager of the Lancashire and Yorkshire line thinks special pleading, namely, that I inculpated the general management of the traffic, in showing that the printed notice furnished to the pointsman was so imperfectly and loosely drawn up, that the unfortunate man could not (according to the ordinary mode of construing the English language) consider himself bound by it to remain at his post after his usual period of attendance had expired.

Captain Laws says that in my report I have indulged in "speculative opinions as to the character of the traffic, the mode of issuing tickets, and the disinclination of the Company to develop it as between Liverpool and Bolton, which are certainly not borne out by the facts." Upon this point, also, I beg to refer you to my report, and you will there find that instead of indulging in speculative opinions I stated facts, which Captain Laws does not attempt to meet. I stated that the use of return tickets in the regular traffic was restricted within extremely narrow limits, whereas the irregular or excursion traffic was sought to be developed by such an extended use of return tickets as endangered the safety of the regular trains.

Captain Laws enters into a detailed argument to show that it is unnecessary to have a luggage van at the tail of every train; for that the company have a number of break carriages, and that whether it be a break carriage or a luggage van which is at the tail of a train, the guard who rides upon it has an equal retarding power at his command. Now, sir, if you will refer to my report, you will find that this argument does not meet the question. I did not ask for a luggage van at the tail of a train; I simply stated that there should always be at the tail of every train a guard provided with an efficient guard's break, and it was the neglect of the company's officers in not sending any guard to work a break at the tail of the passenger train from Liverpool which, in conjunction with other circumstances, led to the late unfortunate collision.

Again, Captain Laws enters into a detailed vindication of the employment by the Company of "agents" to conduct the sale of their excursion tickets; but if you will refer to my report you will see that I in no way blamed the employment of "agents," but found fault with the neglect of the company's regular servants and officers to find adequate accommodation for the numbers of excursion passengers they paid the agents to attract to their line.

Captain Laws endeavours to defend the present lax and dangerous method of conducting the excursion traffic, (*i. e.*, starting trains with no other instructions than to make their way as they best may to their destination), and for that purpose argues that, inasmuch as absolute punctuality of arrival and departure is unattainable, it is better not to attempt to keep the excursion trains to any regular time. This, in so far as I can understand the paragraph, is the only argument employed, and it appears to me to call for no reply.

At page 7, line 19 onwards (p. 202 of this Appendix), of his report, Captain Laws makes a statement which is totally at variance with the evidence of every one of the company's officers and servants examined by me. He says that "the whole duty the pointsman had to do on ordinary occasions was limited to a very brief time in the day." Every witness examined by me stated distinctly that the pointsman was required, on ordinary occasions, to be on duty from half-past six in the morning till eight at night, and I cannot imagine that 13½ hours of wearisome attendance upon trains and signals (the more wearisome perhaps from not being laborious,) can be properly described as a duty "limited to a very brief time in the day." Again, at line 35 of the same page, Captain Laws states, that "from ten o'clock on Sunday night till half-past six on Monday morning, the pointsman had no duties at all imposed upon him." I presume that for "Sunday night" I may here read "Saturday night," and that Captain Laws means to say that the pointsman at Bullfield had no duties imposed upon him on Sundays. If so, the statement is directly at variance with the evidence of the pointsman's immediate superiors at Bolton, who distinctly stated to me that the pointsman at Bullfield, like all the other pointsmen about the Bolton station, was required to be on duty every second Sunday at such places as the inspector should appoint, and that, therefore, he had only every alternate Sunday free from work.

Lastly, Captain Laws vindicates the custom of sending out the best porters from the stations to act as extra guards to trains, but, as usual, directs his arguments to points which I had in no way blamed. I found no fault with the company's officers for sending out porters as guards wherever the staff at the station was sufficiently numerous; it was the mistaken practice of maintaining at stations a staff so inadequate that the necessary step of sending

sending away some of the porters left the remainder too few in number for the efficient management of the traffic, with which I found fault.

In conclusion, I beg to say that I do not consider Captain Laws' report in any way a reply to mine, and that till the statements I made and the arguments I used are really met, I see no reason to modify any of the opinions I expressed.

I have, &c.

R. W. Laffan,
Captain Royal Engineers.

Captain Simmons, R. E.,
&c. &c.

Rules referred to in Captain *Laffan*'s Report of the 27th January 1853.

11. In case of trains on both lines approaching the point of junction at the same time, the main line trains are to have the right of road, and the other trains must be stopped until such main line trains have passed.

12. If the other trains have to follow the trains on the main line, or *vice versâ*, past the point of junction, an interval of five minutes must elapse previous to their being allowed to do so, and then great caution, and the general regulations as to distance, must be observed.

2. Engines travelling on the same line shall not approach within 800 yards of each other's trains, unless expressly required.

Railway Department, Board of Trade,
Whitehall, 4 March 1853.

Sir,

I am directed by the Lords of the Committee of Privy Council for Trade to transmit to you, for the information of the directors of the Lancashire and Yorkshire Railway Company, a copy of a further report which my Lords have received from Captain Laffan, relative to the accident which occurred at Bolton on the 23d August last, and which formed the subject of Captain Laws' report enclosed in your letter of the 21st December.

My Lords direct me to observe, that satisfactory as it is to their Lordships to be informed that the general manager agrees with some of the opinions expressed in the report of the inspecting officer, and urged upon the attention of the directors in my letter of the 13th November, it would have been much more satisfactory to their Lordships to have received some assurance from the directors that effective measures had been adopted, with the concurrence of the directors, to remedy the several evils which contributed to produce the accident in question, and as to which the manager does not question the opinion of the inspecting officer.

My Lords cannot but feel great regret, as expressed in my former letter, that so many of the evils pointed out as contributing to cause this accident should have been allowed to continue upon the lines of the Lancashire and Yorkshire Company after the serious accidents which had already occurred, and after they had been forcibly brought to the attention of the directors by their Lordships.

My Lords desire me also to express their regret that the general manager of the company should, in his report to the directors, maintain the propriety of a disregard by the servants of the company, upon whom depends the safety of the traffic, of the regulations issued by the directors for the guidance of their servants and the safety of passengers, and also, that the directors have not given their Lordships some assurance with reference to other points, called to their attention in my letter of 13th November last, but not noticed in the general manager's report.

My Lords desire me to add, that they regret that the directors have not afforded any explanation as to the observation in the concluding paragraph of my letter, in which their Lordships expressed their regret that the directors should have continued to run excursion trains after they had received the report of their own superintendent recommending the discontinuance of this description of traffic. They think it right to inform the directors, that if they continue to neglect the suggestions which, in the discharge of their duty, my Lords think it incumbent upon them to offer them, they will have no reason to be surprised if they find that the attention of Parliament is called to that circumstance in an especial manner.

I have, &c.

J. L. A. Simmons,
Capt. Royal Engineers.

The Secretary of the
Lancashire and Yorkshire Railway Company.

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Buckinghamshire Railway.

BUCKINGHAMSHIRE RAILWAY.

LONDON AND NORTH WESTERN.

(No. 220.)

Sir, 19 February 1853.

I AM directed by the Lords of the Committee of Privy Council for Trade to transmit to you, for the information of the directors of the London and North Western Railway Company, a copy of the report of their inspecting officer upon a collision that occurred on the Buckinghamshire Railway, near Oxford, on the 3d January.

205.
233.

My Lords direct me to state, that it is with regret they observe, that their officer attributes this accident to the absence of due regulations on the part of the superior officers of the company to provide for the safety of trains under the peculiar circumstances which had arisen in consequence of the injury sustained by the works on the railway from the continued succession of heavy rains.

It is with regret, also, that my Lords are informed in this report, that a similar accident very nearly occurred on the 5th January, due entirely to the insufficient measures adopted by the company for the security of trains over that portion of the Buckinghamshire Railway which is constantly worked as a single line, and to the appointment of a person to perform the responsible duties of station master, at a point where more than ordinary vigilance was required, who was totally incapable of executing those instructions of the company upon which the safety of the trains entirely depended. With respect to these instructions, my Lords direct me to observe, that they would urge upon the company the necessity of revising them, as they do not appear to provide sufficiently for the safety of trains; and I am also to urge upon the company the propriety of adopting, in their general regulations, some more definite rule with respect to the starting of trains, and generally the necessity, in the rules which they establish for the conduct of their officers and servants in regard to the traffic upon their lines, of fixing individual responsibility upon their servants instead of prescribing general regulations, and leaving the performance of them, as a general duty, upon the servants of the company.

My Lords would also urge upon the company the propriety of issuing written instructions, which shall be in a clear and definite form, to all those of their servants whose duties are connected with the main lines of railway, by which the danger arising from misunderstood or misinterpreted directions, such as happened with reference to the signal at the Isis Bridge, would be avoided.

With respect to the recommendation in the report as to the means of effecting a communication between the guards and drivers of trains, my Lords direct me to forward an extract from a memorandum drawn up by me on the subject, and to request that you will bring it to the attention of the directors, in the hope that they will give it and the observations of Captain Wynne on this subject their best consideration, with a view to the adoption of some practical means of effecting this much desired object.

My Lords desire me to add, that they will be glad to receive any observations the directors may have to make, both as to the desirability of effecting this communication, and the means of accomplishing it, which their Lordships consider will be attended with great advantage to the railway companies generally, and to the public.

(signed) *J. L. A. Simmons*,
Captain Royal Engineers.

The Secretary of the
London and North Western Railway Company.

Captain *Wynne* reporting his Inquiry into the Circumstances attending a Collision on the 3d January on the Buckinghamshire Railway, near Oxford, between a Passenger Train and a Coal Train.

Sir, Board of Trade, 28 January 1853.

IN pursuance of the instructions of the Lords of the Committee of Privy Council for Trade conveyed to me in your letter of the 4th instant, directing me to inquire into and report upon the circumstances attending a collision that occurred on the Buckinghamshire Railway, near Oxford, on the 3d instant, between a passenger train and a coal train, by which several persons were reported to have been seriously injured:

I have to acquaint you that I proceeded to Oxford the day but one after the accident; that I visited the place of the collision, whilst the wrecks of the engines and carriages were still on the ground, and subsequently attended the inquest, took notes of the evidence, and also made a personal investigation into the circumstances; and I have now the honour to submit for their Lordships' information the result of my inquiries.

The scene of the accident was a spot somewhat less than a mile distant from the Oxford station, and the casualties which have as yet resulted from it amount to seven persons killed, of whom five were servants of the company, and 17 persons severely injured. One of the injured persons has since died.

The cause leading to the accident may be stated primarily to have arisen from the necessity the company have been under of conducting the traffic of five miles of the railway over a single line of rails pending extensive repairs which are in progress at a tunnel about three miles from the Oxford station; a considerable part of which tunnel having fallen in, large masses

masses of earth have to be removed from one end of the tunnel, while a quantity of building materials have to be conveyed to the other end. In order that the contractor's operations might interfere as little as possible with the general traffic of the railway, the down line of rails, from Islip to within 600 yards of the Oxford station, has been given up to the contractor for his exclusive use; and the up line for the same distance has been reserved by the company for the general traffic of the railway; but in passing through the tunnel when the works are in progress, there is but a single line of rails common to both the contractor and the company; at each end of this single portion policemen are placed to work the switches, and see that the single line is clear before allowing anything to go on it.

To conduct the traffic in safety over a single line of rails on which more than one engine is permitted to work, is at all times a matter of great difficulty; and when the line is partly single and partly double, the danger is manifestly the greater, and increased precautions necessary. In all temporary stoppages such as this, requiring the throlting of the traffic from a double into a single line, it has been the almost universal practice of railway companies to tell off one engine to accompany every train over the single portion; or in the case of the single portion of line being short, it has been found sufficient to appoint one man, commonly designated a troulling porter or pilot-man, to accompany every train. This is a precaution the Board of Trade have, as a general rule, always insisted upon when such temporary obstruction has come under their notice. The existence of the electric telegraph is of great assistance to the safe working of a single line; and under a careful and strict system of working, the traffic, by means of it, may be conducted with safety. But safety, when it is made to depend upon the correct delivery of a message, must have at all times something precarious in it; and the hazard will be increased if the message has to be transmitted through a number of persons. And so sensible has the London and North Western Company been of the insufficient nature of such a resource, that on their Huddersfield branch, where an interval of three miles of single line occurs through a tunnel, although the electric telegraph is laid down, they have not relied upon it alone, but have established a pilot-engine to accompany every train over the single line under particularly stringent regulations; and in so doing, I think they have adopted a very necessary precaution. In working, however, the single line between Islip and Oxford, the company relied entirely on the electric telegraph, which is laid down over all the Buckinghamshire line.

On the 3d instant, the passenger train from Oxford, which was timed to depart at 5.30 p.m., and which consisted, besides engine and tender, of one third-class carriage, one second-class carriage, one first-class carriage, and a guard van, ranged in the above order, was delayed, waiting the arrival of the coal train from Bletchley, which was due to arrive at Oxford at 5.20; this train does not come into the station, but draws up at the ticket platform on the down line, about 300 yards off (*see* Plan annexed); the engine is then detached, and passing on to the other line, gets in rear of the train, and shoves it into a siding. The view from the station to where this coal train draws up, being impeded by curves and intervening objects, there is some difficulty in ascertaining its arrival, which is much increased by its want of punctuality. In order, therefore, to ascertain the point, some communication must take place between the station and the coal train before permitting the passenger train to leave. The most direct and certain means of effecting this would obviously be to direct the guard to proceed immediately on his arrival to the station, and report himself there. This, however, is not the plan that has been adopted; but instead of it, the orders given by the station-master, which were merely verbal, were, that whenever the departure of the 5.30 train was delayed by the non-arrival of the coal train, the foreman of porters should walk up the line towards the swing bridge, a distance of about 200 yards, to inquire after it; and whenever he had satisfied himself of its arrival, he might then, without further applying to him, despatch the passenger train. The platform is thus left at a most critical moment without any responsible person on it; for although a policeman is left in the station, his duties oblige him to keep at the lower end of it a long way from the departure platform; the consequences that resulted from this disposition of things will be seen further on.

About two minutes before the time was up for the passenger train to start, the station-master went up to the guard (Kinch), and said to him, "The coal train has left Islip, and your train must not start until it has arrived;" he then returned to his office. It appears that Kinch communicated this message to the driver; just about the same time, Hayes, the foreman of porters, went down along the carriages to shut the doors and examine the tickets, and he then spoke to Tarry, the driver, and said to him, "The coal train has left Islip nearly half an hour, and you must not leave till after it has come in." Tarry replied, "Can't we go till that comes?" Hayes said, "Certainly not." Hayes then made a similar communication to Kinch, who said, "Would it not be better for the driver to open his whistle?" Hayes replied, "The line will not be clear while the red signal is on the bridge." Immediately after this, Hayes left the station, and went up the line towards the bridge, to ascertain if the coal train had come in.

The signal on the bridge, about which much confusion and misapprehension appears to have existed among the servants of the company, was explained by the superintendent of traffic as intended to guard the approach to the swing bridge, and to have no connection with the starting of the trains; it was always maintained at "danger," and was never turned off, except when a train required to pass over. Then if the bridge was closed, the signal was turned off, and as soon as the train had passed over, turned on again.

The notification of a train or engine desiring to pass, was sounding the engine whistle twice. Nothing of this appears in the book of rules and regulations; nor are there any written

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Buckinghamshire Railway.

written directions either as to the use or working of this signal. The orders are altogether verbal, which accounts for the object of the signal being misunderstood.

As well as can be ascertained, the contractor's ballast-engine arrived at the ticket platform when the coal train was expected, 25 minutes after five; it came in tender foremost, pushing a waggon in front of it, which it shoved into the coal siding on the station side of the bridge, and it then went into the siding leading to the engine shed. It is supposed that the driver saw this engine, and mistook it for the engine of the coal train; but as the former carries a white light, and the latter a green light, there is an apparent difficulty in understanding how the one could be mistaken for the other; but if the driver did mistake the one engine for the other, it must have been from hearing rather than seeing; as the ballast engine carried its white light in front, on the chimney, and as it came in tender foremost, this would not be visible from the station; and its presence, therefore, was probably only known at the station by the noise it made in blowing off steam. Be that, however, as it may, Hayes saw, on his way back, just as he reached the platform, the passenger train come out, as he states, at an unusual speed. He called out to the driver that the coal train was not in, but he appeared neither to hear nor see him. The driver was then blowing the steam through the cylinders. Hayes called out in the same manner to the guard, who states that he could not catch exactly what he said, but believing the purport to be, that the coal train was not in, he immediately put on his break, and made signals with his red light for the driver to stop; but in vain, and the train proceeded on, and at about 1,600 yards from the station, it came into collision with the coal train, which was drawn by two engines, and consisted of 44 waggons and the guard's van. The effect of the collision was, to completely turn round the passenger engine, and to throw it on its left side into the ditch, which separates the London and North Western Railway from the Great Western Railway, and to shatter in pieces the second and third class carriages, scattering the passengers who were in them in all directions. The first-class carriage and guard's van remained on the rails, and was but little injured; the leading engine of the coal train was thrown on its right side, in close juxtaposition to the passenger engine, the two having their wheels and machinery locked into one another; the second engine was thrown close up to the other two, but was not upset; the tenders were thrown about in different directions, and both lines of rails were completely blocked by the wrecks of the engines and carriages, which were piled one upon another to a considerable height.

I annex a Sketch, showing the position of the carriages, &c., after the collision, for which I am indebted to Mr. Brown, the gentleman who superintended the clearing away of the wreck, and who was on the spot very shortly after the accident. Kinch states, that he first became aware of the approach of the coal train by seeing its green lights as his train passed the engine-house, which would be about 1,100 yards from where the collision occurred.

It seems most strange, if the coal engine did indeed carry its distinguishing green light, that the driver should have thus rushed madly on to destruction, and that his fireman should have taken no steps towards saving himself by jumping off, when the green light must have shown the inevitable doom that awaited him; had the light only been white, it is quite possible, and more than probable, that both driver and fireman would have conceived the approaching train to have been a Great Western train, owing to the close proximity of the two lines, and the manner in which they curve, which renders it even in day-light difficult to distinguish on which line an approaching train is coming.

The station-master, policeman, and porters, in giving their evidence, laid great stress on the unusual speed at which the driver started, and continued to proceed up the line, giving an impression that for some cause or other he was reckless of consequences; but his conduct does not bear out such a supposition, for it appears that as soon as he got out of the station, he began blowing the steam through the cylinders, and continued to do so for a distance of 300 yards, and the engine was in consequence so enveloped in steam as to render it impossible that he could see the danger signal that was made to him. The circumstance of blowing the steam through the cylinders, was a proof of carefulness on the part of the driver: it moreover appears, that he gave the usual signal of whistling twice to have the bridge signal turned off; and there is evidence of the speed not being great, coming from a very intelligent and independent source, a passenger, who deposed, that as the train started, he looked at his watch; it then wanted 25 minutes to six; some time after, when he got home, having escaped with some slight bruises, he again looked at his watch, and found it had received a blow that indented the case; and the indent pressing on the hand of the watch, had stopped it, and the time it showed was 21 minutes to six, giving four minutes for performing a distance of 1,600 yards, which certainly does not indicate either a very high speed, or give an idea of reckless driving. Again, Kinch says, that he first saw the coal train as he passed the engine shed; and not more than two minutes before the collision occurred, as the engine shed is only 1,100 yards from the place of the accident, the speed was not more than 20 miles an hour, while according to the time table the speed should be 37 ½ miles an hour. I think these important points to notice, as there appeared an endeavour on the part of some of the servants of the company to throw the blame on the dead man, and in my opinion the facts do not bear out the evidence.

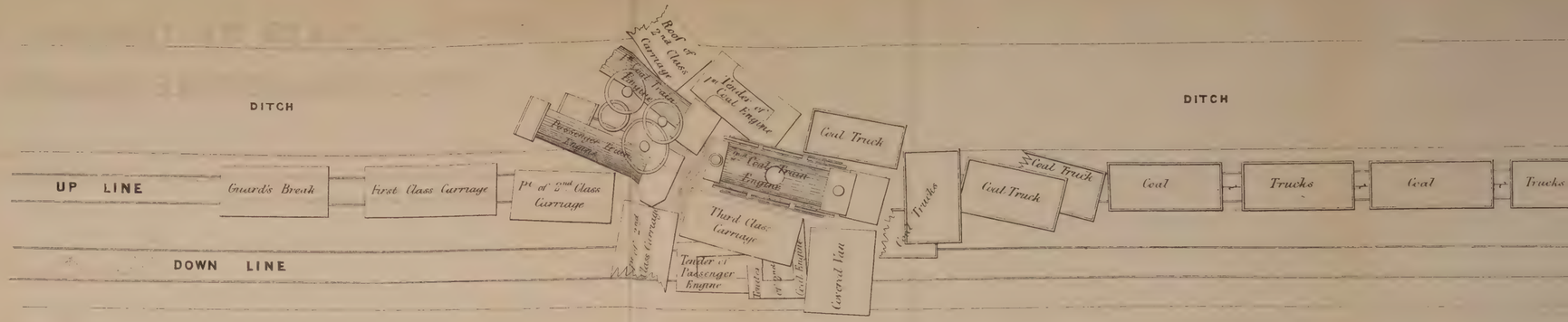
With regard to the lights carried by the engines of the coal train, two independent witnesses give important evidence; the first of these, from the position he occupied at the moment, and from his experience, is a valuable one; he is a watchman named Brooke, employed at a level crossing on the Great Western Railway, who stated that he was sitting

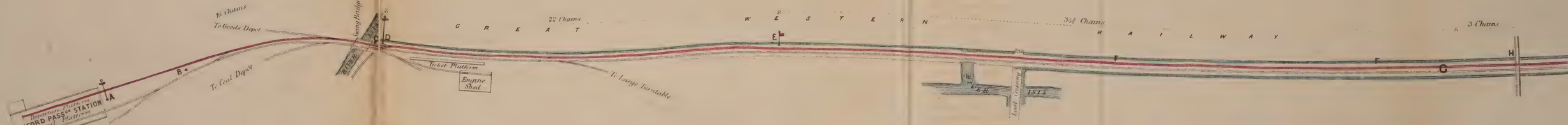
LONDON & NORTH WESTERN RAILWAY.

BUCKINGHAMSHIRE BRANCH.

SKETCH AND PLAN, SHOWING OXFORD STATION, AND THAT PORTION OF THE LINE ON WHICH THE ACCIDENT OCCURRED, WITH THE POSITION OF THE TRAINS AFTER THE COLLISION AT 5.40 P.M. JANUARY 3rd 1853.

John Cockburn
11th Jan 1853





NOTE.

The Line Coloured Red is the Up Line, which was used on the 3rd of January, 1853, as a Single Line for both Up and Down Traffic. On this Line the Collision took place, between the 5.30 p.m. Up Passenger Train from Oxford, and the 2.45 p.m. Down Coal Train from Bletchley.

A. *Station Semaphore Signal.*
B. *Police Box.*
C. *Swing Bridge, and Police Box for Man in charge of Bridge Signal.*
D. *Semaphore Signal at Swing Bridge, used to show if the Bridge is open or closed for traffic.*
E. *Auxiliary Signal worked by rod: do. - do. - do. - do. - do. - do.*
F.* *Ditch, about 15 feet across, into which 2 Engines, 1 Tender, and part of a Third-class Carriage were thrown.*
G. *Site of the Collision, occupying about 100 yards*
H. *Wooden Bridge over L. & N.W. and G.W. Railways.*

* *The ditch* **F** *separates the G.W. from the L. & N.W. Railway.*

London

sitting in his box, which commanded a view of the Great Western and Buckinghamshire Railways; that hearing an engine beating very loud and fast, he turned out to look at it, and found it was an engine and train coming from the Oxford station of the London and North Western Railway; as it passed him, he looked, and saw a train coming in the other direction, which he could only distinguish by the light from the ash-pan; he states positively that there was no green light in front of the engine, or he must have seen it; the collision occurred almost immediately afterwards, and within a quarter of a mile from where his watch-box is placed. The second evidence was that of a man named Stringer, a poulterer, who stated that he was in Wrackham's-lane, which is distant about a quarter of a mile from the scene of the accident, and that from thence he saw both trains before the collision; that he distinguished the coal train by the light from the fire-box, but he saw no green light on it; immediately after the collision, he ran to the spot and gave all the assistance in his power.

On the other hand, all the servants of the company who have given evidence touching the lights have sworn positively that there was a green light on the buffer of both engines. Two of the witnesses, Lee and Watts, have given such evidence on other matters as to throw great doubt on their testimony; and I must add, that from my experience in investigating railway accidents, I am led to look with great suspicion on the testimony of the servants of railway companies when the interests of either themselves or their employers are at issue. Coupled with the circumstance of neither driver nor fireman taking any measure to save themselves, I cannot but think the weight of testimony is with the two witnesses I have quoted, and that the coal engine did not carry a green light.

The regulations of the company (Rule 21, p. 62) direct, "That whenever the guard has occasion to secure the attention of the engineman, he is to apply his break sharply, and as suddenly release it; which operation, repeated several times, is almost certain, from the check it occasions, to attract the notice of the driver, to whom the red flag or lamp must be immediately waved as a signal to stop." Kinch did not in this respect attend to his instructions, but put his break "hard on," and then held out his lamp. Had he obeyed the order, it is possible that he might have attracted the driver's attention; but I have no practical experience in this expedient for calling the attention of drivers; it is one, I know, which is very generally received by railway companies as sufficient; it would, I think, be very desirable that its real efficiency should be proved, and I propose testing it whenever opportunity may offer.

It appears, however, even from the company's instructions as to this mode of communication between the driver and guard, exceedingly doubtful whether its proper application by the guard, Kinch, would have had the desired effect of arresting the progress of the train and preventing the accident; for it appears from the evidence, and the circumstances attending the collision, that there would have been scarcely time to repeat the sudden application of the break for the purpose of attracting the driver's attention; for it must be remembered that the train would first have to be stopped, the driver to be communicated with by word of mouth as to the cause of stoppage, and then the train backed out of the way of the coal train.

I do not anticipate that it will now ever be cleared up who actually gave the order for starting the train, and perhaps, as far as my inquiry is concerned, it is not a question of great importance, the essential point to be established being, Did the company, in conducting a very hazardous traffic, take every reasonable precaution, and was the accident caused by the wilful misconduct of their servants?

I would first observe, that the working of a single line, arising from some temporary obstruction, obviously carries with it even more danger than the routine working of an established single line; when, therefore, the company ignored the use of the ordinary precaution of a pilot engine, and trusted to the telegraph alone, it was imperative on them to give instructions, not verbal, but written, and so precise and detailed that they could not be misunderstood; and it would moreover appear to be essential, under such circumstances, that the despatch of the trains should be confined to the station-master personally, and in his unavoidable absence, this duty to devolve upon an assistant duly appointed to take charge of the station during his absence.

The company did take the precaution of issuing written instructions for the working of the single line, copies of which I annex; these instructions are loosely and carelessly drawn up, and place no responsibility upon any single individual for the due performance of the duties sketched out in them; they state that one line only is to be used for the traffic, that the speed through the tunnel is not to exceed four miles an hour, that great precautions are to be used at the telegraph instruments at Islip and Oxford, that no train is to be started from either of those places without it having been previously ascertained that the line is clear. Some reference is made in them to the precedence of trains, and a positive instruction given with regard to one train. With this everything special in the instructions end, and whatever further may be necessary for the safe working of the line must be looked for in the general rules and regulations of the company.

And I would further remark, that the line through the tunnel being single, and open both to the general traffic, and the engine and waggons of the contractor, evidently required for safety, that a pilotman should have been appointed to accompany every engine over it. No such precaution, however, was adopted, nor allusion made to it in the instructions.

In referring to these, no order is to be found as to who is to start the train: there is a rule in the book (No. 21, p. 31) which says, "That no engineman is to start his train until the proper signal is given;" but what that signal is, and who the ostensible person is who is to give it, is nowhere stated in those regulations.

Appendix, No. 10

Buckinghamshire Railway.

A printed circular (a copy of which I annex), dated 21 November 1851, signed by the general manager of the company, was produced at the inquest, which states, "That on and after the 1st December, trains shall be started from roadside stations by the guard's whistle, and that the guard is the person to ascertain if the train is ready." The whole tenor of the circular goes to show that this order was not intended to apply to terminal stations, and, in my opinion, very properly so; the superintendent of traffic, however, stated that it did, "but that the guard received the order from the station-master, and that it was not necessary that the station-master should see personally the starting of each train, but that he might depute the foreman or other person to do so;" and he further stated, with respect to the coal train, "that it was the duty of the foreman to ascertain if the coal train was in, by going towards the bridge to see if it was clear of the line." All this, however, comes under the head of understood or verbal orders.

It appears from the evidence, and what I ascertained as the practice of the guards, that, besides the station-master, they receive orders for the starting of trains from the foreman of porters, from the policeman, and from the clerk in the office. It will be remembered that, in the evidence, both the station-master and the foreman of porters, at the moment the train was due to start, went up to the guard, and told him "that the coal train had left Islip, and that he must not start till it came in;" the station-master then retired to his office, and the foreman went off to look for the coal train, leaving the platform without a responsible person on it, and leaving with the guard and engineman what must be considered as a discretionary order, to start; and no doubt, under a misapprehension of the coal train being in, the driver availed himself of the latitude given to him, and started.

Had any person in authority remained on the platform, it is but reasonable to suppose that the train would not have started without direct orders. If it was not meant that the guard and engineman should have a discretionary power of starting, I cannot understand the necessity of the communication that was made to them. It appears to have been the practice, in some instances, for the guard to go and seek the station-master in his private office for permission to start; and, if he was not there, to ask the telegraph clerk, and on learning from him that all was right, to start the train.

Without questioning the accuracy of the statements made by the superintendent of the traffic, as to the verbal or understood orders that the servants of the company may have received, and which, after all, can only be a statement of his own impressions of what those orders are, and not the statement of the impressions made by those orders upon the minds of the persons to whom they were communicated, I would express my decided opinion that, if such a practice is admitted, there will be no security to the public. On the contrary, as its superior officers may at any time relieve themselves from responsibility by saying that their servants disobeyed orders, and, when asked to produce the order, say they were verbal or understood, as the company profess to conduct their traffic under a written code of rules and regulations, minor details in such a code may escape notice; but the omission generally of any instruction to station-masters on the responsibility of despatching trains, and the absence of all detailed instruction for the regulation of the Oxford station during the prolonged temporary stoppage of one of the lines of railway, does, in my opinion, in connexion with the facts I have already detailed, throw the entire responsibility of the accident, and its consequences, on the company.

Having heard whilst attending the inquest that a collision had very nearly occurred on the single line between Bicester and Winslow, but two days after the Oxford accident, I felt it my duty, as bearing upon the present investigation, to make some inquiry into the circumstance, and I learned the following particulars:—On the 5th instant, the 7.55 a.m. up-train from Oxford, after it had passed Bicester about 2½ miles, met an engine which was drawing two waggons filled with workmen proceeding from Wolverton to assist in clearing the line at Oxford; the account I obtained from one of the workmen, who was riding on the engine of the train from Wolverton, was, that when on the single line, about half a mile on the Winslow side of the Launton station they saw the up-train from Oxford approaching; this fortunately happened on a part of the line which was straight: had it occurred, he stated, half a mile further back, the consequences might have been most serious, as it would have occurred where the line curves sharply.

The explanation I received at Bicester of the occurrence was, that about 7.55 a.m., a telegraphic message came from Winslow to ask if the line was clear for a special engine; the reply was "Yes." Ten minutes after Winslow asked, "Is the line clear for an engine and two waggons?" As it was then getting near the time when the 7.55 up-train was due at Bicester, the answer returned was, "Wait." A message was sent down the line to ascertain where the up-train was, and as it was found to be only just leaving Oxford-road station, the answer returned to Winslow was, "Line is clear;" the answer back was, "It has left." At about 25 minutes past eight an engine arrived from Winslow, and after a minute or two delay, proceeded on. A few minutes after it had left, the up-train arrived, and then went on to Winslow. No message was previously sent to know if the line was clear, it being supposed, from the engine arriving, that it was so. As the last message from Winslow had especially stated that the question was asked for "an engine and two waggons," no such mistake ought to have occurred. The account I received at Winslow was much the same, only that the interval between the first and second message was stated to be 20 minutes instead of 10 minutes; and I would here observe that the information I received at this latter place was read out to me from the minute-book; whereas at Bicester no record whatever is kept of messages sent or received.

After this occurrence the Bicester station was furnished with a book, entitled, "Regulations for the Telegraph on the Buckinghamshire Railways," a copy of which I annex.

The

The station-master and porter who work the instruments, both state that they had never seen these instructions before. The station-master, it appeared, had only been appointed to Bicester about three weeks previous to this occurrence; he was unacquainted with the mode of working the telegraph instruments, and had no experience in working a single line of railway. The London and North Western Company, in appointing a station-master who was unacquainted with the mode of working the telegraph instrument, acted directly contrary to these their printed instructions (*see* 6th and 7th Rules, p. 4), and they do not appear to have impressed him with the responsible position he occupied as guarding one of the entrances to the single line; and these regulations, now issued to him for the first time, though they may be sufficient as a code of instructions for the conveyance of messages and the maintenance of the instruments, are, in my opinion, ill calculated to ensure the all-important condition of safety on a single line, the rules which relate to this point being vague and insufficient. He stated to me, that "he could not positively say what the practice of working the single line had been previous to the 5th instant, as he had very little to do with it; the porter Sirett generally attended the telegraph instrument; but since the 5th, he had always made the porter inquire if the line was clear before permitting an engine or train to proceed to Winslow."

Though the cause which led to the collision at Oxford and to the occurrence on the single line between Bicester and Winslow are somewhat different, yet they have a common origin, arising from the want of a due appreciation on the part of the company of the danger attending the hazardous traffic they were conducting, and the belief that the safe-conduct of it might be committed to the general intelligence and activity of their servants, which would permit them to dispense with specific and detailed instructions.

The guard Kinch having stated that he did all in his power, though ineffectually, to communicate with the driver, and the inference being that had he been able to do so the collision would have been avoided, I will take the opportunity to say something here on the subject of communication between guards and drivers.

I believe that the difficulty which has so long perplexed the public mind on this subject is but an imaginary one, such a communication having in fact been coeval with the first establishment of railways, and having existed on many railways until a few years back. The communication I allude to is along the foot-boards of the carriages, along which the guards were formerly in the habit of daily passing with the train at full speed. Having on one or two occasions to report to the late Commissioner of Railways on the subject of fires that occurred in trains while in motion, when such a communication appeared to be of the utmost importance, I brought the mode of communicating along the foot-boards under their notice, and the proposition having met with their approval, circulars were addressed to the several railway companies, pointing out the simple and not expensive additions required to relieve this mode of communication of the small amount of difficulty that attended it, several companies, and amongst others the London and North Western, expressed their willingness to make them; the latter, however, pointed out at the same time, and with some reason, that owing to the number of foreign carriages besides their own which entered into their trains, it would be useless in them to do so, unless it was made one of universal application.

The additions which I proposed to the carriages were never made, and the whole thing was allowed to slumber until attention has again been roused by a calamity which might perhaps have been avoided had a direct communication been in existence between guards and drivers.

Whatever mode of communication may finally be decided on, it is obvious it must be one of universal adoption, as the absence of one link in the system might cause the failure of the whole; and I would observe, this uniformity of arrangement is so essential for the achievement of the desired object, that I would respectfully urge upon their Lordships the necessity of a thorough consideration of the subject, with a view to some means of communication being made compulsory upon all railway companies.

I have, &c.
(signed) *Geo. Wynne*, Captain, R.E.

LONDON AND NORTH WESTERN.

NOTICE TO STATION-MASTERS AND GUARDS.

THE directors have ordered that on and after Monday, 1st December, the trains shall be started from road-side stations by whistle instead of the bell, and for this purpose every guard has been supplied with a whistle.

At junction and other stations where refreshments are supplied, the bell will still be used for the passengers to take their seats; at the first and second class stations it is only to be used to announce the approach of a train, and at the minor stations, where only a policeman or a porter is stationed, it is to be discontinued altogether.

As soon as the guard has ascertained that the business of the train is completed, the passengers all seated, the carriage doors closed and fastened, and the wheels greased, he will sound his whistle as a signal to the engineman to start the train.

When two or more guards are with a train, the guard next the tender will, on receiving signal from the other guards that the train is ready, sound his whistle as the signal to start.

It is expected that this method of starting the trains will prevent future instances of false

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Buckinghamshire Railway.

starts, and be the means of expediting the trains at the intermediate stations with less delay than at present.

The guards will take notice that all way bills issued in future, will contain two columns for the explanation of delays. In the first must be entered the delay caused by the station business; the instant that is completed, the guard will sound his whistle, from which moment any further delay must be entered in the column against the locomotive department.

By order,

General Manager's Office, Euston Station, 20 November 1851. *Mark Huish.*

London and North Western.

Instructions for Police at Wolvercott Tunnel.

On and after Thursday the 16th December 1852, the trains will run through the tunnel.

The greatest care and vigilance must be exercised that the line is clear, and the points in proper order, for the safe passage of the trains, when they are due.

As soon as a train is in sight, notice must be given to the contractor's men, in order that they may suspend their work during its passage, and to prevent anything from being thrown on to the rails.

On approaching the tunnel, the drivers of engines will give two distinct sharp whistles.

(signed) *John Dockray.*

London and North Western.

Notice:—Wolvercott Tunnel.

On and after Thursday the 16th December 1852, the trains will run through the tunnel.

The up line only will be used for traffic between Islip and Oxford, until further notice.

The trains are not to travel at the rate of more than four miles per hour, through the tunnel. And the drivers, on approaching the tunnel, will sound two distinct sharp whistles.

The greatest precaution must be used at the telegraph instruments at Oxford and Islip; and no train started from either place without it having been previously ascertained that the line is clear.

All the down trains must be crossed over at Islip on to the up line.

In the event of the 8.15 a.m. train from Bletchley being late on arrival at Islip, it is not to be allowed to leave for Oxford until it has been ascertained by telegraph from Oxford, that there is time for it to get to Oxford, without delaying the 9. 50 a. m. train.

The 2. 40 p. m. down train from Bletchley must always be detained at Islip until the 4. 5 p.m. up train from Oxford has passed.

The remainder of the trains are not likely to interfere with each other, but should they do so, the up trains are to have the precedence.

(signed) *John Dockray.*

Regulations for the Telegraph on the Buckinghamshire Railways.

Regulations, &c.

1. The telegraph is to be used for business purposes only, and not for trivial or unimportant messages.

2. Strangers are on no account to be allowed to examine it, or to play with the handles or bell.

3. The station clerk will he held responsible for the good order and safety of his instrument and apparatus.

4. If at any time any wire should become detached from the apparatus, it is to be replaced at once on the terminal, with a corresponding number, taking care that the wire is clean where attached.

5. If at any time the instrument, or any part of the line or apparatus, is out of order, notice must be given by telegraph, if possible, or, if not, by the first train, to Bletchley station.

6. The station clerk is to take care that his porters and policemen are acquainted with the use of the telegraph, so that, in case of his absence, there may be some one on the spot capable of sending or receiving a message.

7. Both the station clerk and the porters and policemen must know the single needle as well as the double needle code, so that, in the event of an accident to one wire, the other may still be used.

8. From

8. From the hour at which the first trains starts in the morning, until the last train has reached its destination at night, there must be always some one at hand to attend to the telegraph.

9. Should the bell not be in order, greater attention must be given to the needles, so as to guard against any delay in replying to a call, as the fact of the bell not ringing will form no excuse for inattention to a call.

10. All communications, whether sent or received, are to be written down, dated, and timed, in all the books provided for the purpose.

11. The bell is to be kept turned on, so as to ring at all times when the instrument is not working, and is to be wound up each morning.

Mode of Signalling.

12. Give all signals steadily and distinctly, and use no unnecessary violence in working the instrument.

13. To call any station. Move the needles from side to side two or three times, to attract attention, then point with steady movements to the station you require. When this signal is repeated by the station call, point to your own station. This will also be repeated by your correspondent. You can then proceed with your communication.

14. When thus called by another station, reply at once to his call and to his announcement of his name.

15. At the end of each word the stop (⋈) is given. If the receiver understands the word, he will give the "understand" (E): if not, he will repeat the stop (⋈). It is thus known whether the last word must be repeated more distinctly, or the next proceeded with.

16. At the end of the communication, the concluding signal P Q is to be given and repeated by the receiver.

17. If, on going to your instrument, you find two stations already in communication, they must be allowed to finish their communication, unless your message is most urgent, when you may interrupt them, by giving the signal "Wait," and then proceeding to call the station you want.

18. Whenever you are so interrupted in a communication, stop directly, as you may be sure that the interruption is on account of urgent business. When the message for which you were interrupted is complete, resume your own, if necessary.

Use of Telegraph.

19. On coming to the station in the morning, at a. m., see that your instrument is all right, by giving ⋈ E H N, try the bell, and then call first one and then the other terminal station, and exchange signals with them, so as to know whether all is right. The terminal stations must note whether they receive signals from all stations each morning. If any station does not exchange signals at this hour, the adjacent station is to send a memorandum by the first train to inquire into the cause.

20. At a. m. the stock report is to be sent up to , as in the printed form sent out for the purpose.

21. Ten minutes before any train is due at the station next before your own, call that station, and give the signal "Line clear," if you know no reason for any delay of the train. If you wish to stop or delay the train, send your directions to this effect briefly and distinctly.

22. As soon as any train leaves your station, call the station next after your own, and inform them, giving the designation, "Goods," "Mixed," "Special," "Express," &c., as the case may be, and the hour, thus, "Goods left ten thirty," "Express left five twelve."

23. If the train should not stop at your station, you are to give notice of its passing to the station next after your own, thus, "Goods past ten thirty," "Express past five twelve."

24. If you cannot obtain information of the line being clear from your next station ask the one beyond, and give notice to him also of the passing or departure of the train.

25. Remember that if you have not received from your next station notice that the line is clear to it, you have no right to conclude that the line is clear, and you will use due caution in despatching a train onwards.

26. Train signals take precedence of all other communications, and interrupt them if necessary.

Maintenance of Telegraph.

27. The wires and posts of the telegraph are under your charge, in the same manner as the lines at and near your station.

28. If wires become entangled, separate them carefully. If any one breaks, see that it is quite clear from the other, if possible, and place it so as to be out of the way of passing trains or engines.

29. If posts lean over or become loose, have them carefully set upright at once and fixed securely. Keep them and the wires clear of waste straw, or other rubbish likely to entangle about them.

 30. The

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Buckinghamshire Railway.

30. The great points to be observed to keep the telegraph at work are these: that the wires be continuous, that they be quite clear from one another, that they do not touch the earth, or any of the wood-work on or about the pole, or any wall, bridge, or other building or work.

WINSLOW AND CLAYDON LINE.

FROM Winslow station there will be a distinct line of communication to the pointsman's house at Claydon junction.

Directly any train passes Claydon junction the pointsman on duty will ring the Winslow bell. Winslow, in reply, will ring the Claydon bell. The pointsman will then give "Oxford train" (D), or "Banbury train" (R), as the case may be, and this signal is to be repeated by Winslow.

The same system of signalling is to be adopted by Winslow on the departure of a train either for Banbury or Oxford. In every case, to ensure correctness, the signals received must be repeated back by the receiver.

Should the signal sent back not correspond with that forwarded, the bell must be again rung, and the whole communication repeated distinctly.

London and North Western Railway, Secretary's Office,
Euston Station, London, 21 February 1853.

Sir,

I AM instructed to acknowledge the receipt of your two letters of 19th instant, with enclosures, and to inform you that the same will be laid before the directors at their next meeting.

I am, &c.
(signed) *R. Savill,*
Assistant Secretary.

Captain Simmons, R. E.
Railway Department, Board of Trade.

CALEDONIAN RAILWAY COMPANY.

(249.)

Caledonian Railway.

390.

Sir,

24 February 1853.

I AM directed by the Lords, &c. to transmit to you, for the information of the directors of the Caledonian Railway Company, a copy of a report that has been made to them by the officer appointed to inquire into the circumstances which attended a collision that occurred on the Hamilton branch, on the 17th January.

My Lords direct me to observe that it appears that this accident is attributable entirely to the want of due precaution, on the part of the superintending officers of the company, to secure the safety of trains during the period in which it might be necessary to use the Hamilton branch as a single line of railway.

My Lords direct me to express their hope that the directors will issue such regulations as will effectually prevent the recurrence of any accidents of a similar nature to that which is the subject of the enclosed report, whenever it becomes necessary to use any part of their railway as a single line, and more especially as such accidents are of the most dangerous character.

(signed) *J. L. A. Simmons,*
Captain Royal Engineers.

Secretary, Caledonian Railway.

(No. 249.)

Captain *Wynne*'s REPORT on the Collision near the Blantyre Station on the Hamilton Branch of the Caledonian Railway on the 17th January, between a Coal Train and a Passenger Train.

Sir,

12 February 1853.

I HAVE the honour to acquaint you, for the information of the Lords of the Committee of Privy Council for Trade, that I have inquired into the circumstances attending a collision that occurred on the 17th ultimo on the Hamilton Branch of the Caledonian Railway, near the Blantyre station, between a coal train and a passenger train.

It appears that, on the 27th December, a lofty embankment between the junction and the Blantyre station, showed symptoms of slipping, which rendered it necessary to confine the traffic to one line between the junction and Blantyre station, a distance of something more than two miles.

The superintendent of the line came down to the spot as soon as he heard of the impending danger, and decided that the up line, between the points I have indicated, should be used exclusively for the ordinary traffic of the line each way, and to guard against the danger of collision from trains proceeding in different directions over the single portion of the line, he directed the inspector of police to appoint a pilot man to accompany

accompany every engine in its passage over the single line. The inspector of police appears to have carried out these orders in a very loose manner, arising, in my opinion, from his not fully understanding the principle of safety involved in the appointment of a pilot man, for he did not think it necessary that the pilot man should accompany the mineral and goods trains, of which there is sometimes one and sometimes two each way, and the times of which, in starting and arriving, are extremely irregular; the reason he gave for not doing so was, that the length of the single line was so great, that he could not have done it without deranging the traffic and causing delay; he therefore preferred trusting to the driver of the mineral train making a communication to the pointsman at the junction, when he was proceeding from Glasgow to Hamilton, as to the time he would follow a passenger train from Hamilton; and according to the nature of this communication, the pointsman was to regulate whether or not he was to permit the corresponding train from Glasgow to pass the junction points. Such an arrangement, it is evident, would negative any security that might be derived from the employment of a pilot man, and could hardly fail to bring about a collision sooner or later, through the parties misunderstanding each other; this accordingly occurred on the 17th ultimo. The driver of the mineral train which left Glasgow before the 8 A. M. passenger train on that morning left word with the pointsman at the junction, "that if he was not back before the 9 A. M. from Hamilton, that he would be as soon as possible behind it;" the pointsman understood him to say, that if he was not at the junction before the train was due, he would not be down; that is, that he (the pointsman) might allow the 9 A. M. Glasgow train to pass. The consequence of this misunderstanding was, that a collision took place on the single line between the 9 A. M. passenger train from Glasgow, and the return mineral train from Hamilton.

So little was the inspector of police impressed with the importance of constantly maintaining a pilot man on duty, that it appeared he withdrew him from duty for two or three hours in the middle of each day, in order to place him in attendance at some points on a different part of the line, and two trains were allowed to pass during this interval over the single line, without being piloted. The station master at Blantyre moreover states, that he had frequently seen trains going on to the single line without a pilot man, and that on the 3d January, during the whole day, there was but one train out of the 16 which pass to and fro that carried a pilot.

From what I have stated above, it is evident that the collision occurred not from any failure in the principle of safety involved in the employment of a pilot man, but from the utterly careless manner in which the principle was applied; it moreover appears that from the length of single line, that a pilot engine rather than a pilot man was required.

The superintendent of the line does not appear to have been sufficiently alive to the serious responsibility that is incurred in working a single line, or he would not have entrusted to any one but himself the detail of the mode in which trains were to be piloted over it; his instructions should have been written, not verbal, and every engineman, guard, or other person connected with the working of the line should have been furnished with a copy of them. The station master at Blantyre, which was at one end of the line, should have been held responsible that the instructions at his end were faithfully carried out, and a responsible person should have been placed at the junction, and for the same purpose, instead of entrusting the duty, as it was, to a raw country lad, who had evidently no idea of the serious consequences that might ensue from any carelessness on his part in giving or receiving messages, or of allowing trains to pass into the branch without being duly piloted in.

It appeared from the information I received, that the mineral train passed the Blantyre station at a very high speed, but as there was an instruction (which was a written one) that no train should pass over the embankment, which was slippery, at a greater speed than four miles an hour, the driver slackened his speed as he approached the spot, and the collision having occurred on the embankment, the train was under control, and the collision was not a severe one; had, however, the mineral train been a minute or two later, and the passenger train as much earlier, the collision would have occurred when the train would have been proceeding at a much greater speed, and the consequences would probably not have been less tragical than on a late occasion, and the responsibility would, in my opinion, have rested altogether on the superior officer of the company.

I am, &c.

Captain Simmons, R. E. (signed) *Geo. Wynne*, Captain, R. E.

(No. 414.)

Caledonian Railway Company's Offices,
45, Renfield-street, Glasgow, 25 February 1853.

Sir,

I HAVE to acknowledge the receipt of your letter of the 24th, accompanying copy of Captain Wynne's report to the Lords of the Committee of Privy Council for Trade, in reference to a collision on the Hamilton section of this line, on the 17th ult., which shall be submitted to the directors of this company.

I have, &c.

(signed) *Arch^d Gibson*, Secretary.

Captain Simmons, R. E., Railway Department,
Board of Trade, Whitehall.

Appendix, No. 10.

Lancashire and Yorkshire Railway.

389.

LANCASHIRE AND YORKSHIRE RAILWAY.

(No. 298.)

Sir, 4 March 1853.

I AM directed by the Lords, &c. to transmit to you, for the information of the directors of the Lancashire and Yorkshire Railway Company, a copy of the report which has been received by their Lordships from the officer appointed to inquire into the circumstances which attended a collision that occurred near the Chorley station, on the 18th of January last.

My Lords direct me to request that you will bring to the attention of the directors the observation in the report, as to the necessity of adopting some measures, in addition to those now in force, for the protection of the trains passing over their line between Euxton and Chorley, which, according to the report, appear at present to be insufficient to secure the safety of trains.

My Lords desire me to state, that it is with much regret that they learn that, notwithstanding the representations which have been made to the company by their Lordships, with reference to previous accidents that have occurred upon their railways, pointing out the necessity of the men being supplied with the means of knowing the time, when the performance their duties depends upon a knowledge of time, the directors have not thought proper to see that these men are supplied with time-keepers.

My Lords also desire me to observe, that the regulations issued by the directors, with reference to the coal trains being kept out of the way of passenger trains, appear to be altogether insufficient to provide for the safety of the traffic.

See page 205 of Appendix.

My Lords have, on previous occasions, remarked on this subject to the directors. My Lords regret that they are compelled to address these observations to the company, at the same time that, with reference to another accident, and to a like disregard by the company of other suggestions made to them by their Lordships, it has been their Lordships' duty summarily to warn the company, and to intimate to them the probability that it may become their Lordships' duty to direct the attention of Parliament, in some especial manner, to the risks to which passengers are subjected on the Lancashire and Yorkshire Railway.

Secretary Lancashire and Yorkshire Railway Company. (signed) *J. L. A. Simmons*, Captain Royal Engineers.

(No. 389.)

Captain *Galton* reporting his Inquiry into the Circumstances which attended a Collision on the 18th January, near the Chorley Station, on the Lancashire and Yorkshire Railway, between a Passenger Train and a Cattle Train.

Sir, 2 February 1853.

I HAVE the honour to inform you that, in conformity with the instructions contained in your letter of the 24th ultimo, I have inquired into the circumstances which attended the accident which occurred near the Chorley station, on the Lancashire and Yorkshire Railway, from a collision between a passenger train and a cattle train.

The Chorley station is situated on the line between Preston and Bolton, and is about eight miles from Preston. The first six miles of this distance, as far as Euxton junction, lies on the line between Preston and Warrington. On the portion, two miles in length between Euxton and Chorley, the gradients are severe, rising towards Chorley at 1 in 127 and 1 in 133. At about three-quarters of a mile from Chorley there is a short tunnel, which is the remains of what was originally intended to be a very much longer tunnel, the prevalence of water in the strata having obliged the company to convert the greater part of it into an open cutting. It is stated that the line at this part is usually slippery. The accident occurred at a spot about a quarter of a mile south of this, where the line is curved, and crossed by an over-bridge, near the end of the cutting. I have annexed a Plan of the line near the place of the accident. An engine-driver approaching this over-bridge from Preston cannot see to a much greater distance than 200 yards ahead, until he has passed under the bridge.

It appears that on the day on which the accident occurred, a cattle train left Preston at about 4.35 P.M., and passed the Euxton junction at 4.55 P.M. At this junction the rule is observed of showing the danger signal for five minutes after the passage of a train, and the cautionary signal for the following five minutes.

The train consisted of 19 waggons, drawn by a six-wheeled goods engine, of the following dimensions:

Diameter of cylinder, 16 inches; length of stroke, 21 inches.
Diameter of wheels, 5 feet; the four leading wheels were coupled.

Weight of engine on leading wheels	8 tons.
Driving or centre wheels	11 „
Trailing wheels	3 „
Total	22 tons.

Weight of tender, 12 tons. A guard travelled in the last waggon.

The distance from Preston to Euxton is 6¼ miles, and the goods train travelled, therefore, over that part of the line at something over 18 miles per hour. The servants of the company attached to this train state that they got up the bank pretty well, until they reached the tunnel, when the engine slipped a good deal, and so detained them in it for five minutes.

[To face page 216.]

LANCASHIRE AND YORKSHIRE RAILWAY,

Showing radius of Curves at

CHORLEY.

SCALE OF CHAINS

Links 100 90 10 9 8 7 6 5 4 3 2 1 0 10

Nº 246. Ordered by The House of Commons to be printed 18th March 1853.

Henry Hansard, Printer

minutes. The train then moved on, and, it is stated, was acquiring some speed, when the passenger train, which is due to leave Preston at five o'clock, overtook it, and ran into it, at about 180 yards on the south side of the over-bridge. This latter train consisted of four carriages and a break van in rear, in which the guard travelled. It appears to have left Preston within a minute of its proper time, and to have passed the Euxton junction at 5.15. The driver states that at the time of the accident he was travelling at the rate of about 30 miles per hour, and that on coming under the over-bridge above mentioned, he came in sight of the tail light of the cattle train, but that all his endeavours to stop the train were of no avail. The guard appears to have seen the red light at the same time as the engine-driver, and immediately to have applied his break. I am inclined to think that the engine-driver of the passenger train was a little over-running his time, and that his speed was much greater than 30 miles per hour, as the accident appears to have occurred at about 5.17.

The time at which the passenger train was due at Chorley station, distant nearly half a mile, was 5.20, and the time at which the passenger train passed Euxton junction, about two miles off, was 5.15. But I do not think that any blame can be imputed to the engine-driver, as a very slight discrepancy between the various timepieces would give a different version to this question; and for a train travelling at a speed of from 30 to 40 miles per hour, or perhaps more, a distance of 200 yards is a very short distance to stop in, although on an ascending gradient of 1 in 133; for it must be remembered that, even under the most favourable circumstances, a few seconds would be lost in applying the means of stopping.

The cattle train was not a particularly heavy train for an engine of the dimensions of the one attached to it, even upon the gradient in question. The line, however, at the tunnel and deep cutting above mentioned is stated to be often very slippery, and the gradients are heavy all the way from Euxton to Chorley, besides which the curves in the cutting prevent the line in places from being seen far ahead; and the fact of the cattle train (of no extraordinary weight) having passed Euxton 20 minutes before the arrival of the passenger train, was not sufficient to secure safety. Hence it would appear the only modes by which an accident of this description could be avoided would be, 1st, to work the line for trains passing from Euxton to Chorley by the electric telegraph, and not allow one train to pass Euxton till the previous train had reached Chorley; or, 2dly, to appoint a signal-man at or near the tunnel, to signal trains passing within 10 minutes of each other; or, thirdly, to work the line by means of a pilot engine, which should hook on in front of every train going up the incline. This method would have the advantage of giving assistance to the trains over the slippery parts of the line near the tunnel.

It is stated, as an objection to the first method, that inasmuch as the line descends from Chorley to Bolton, the trains after they have passed Chorley get away very rapidly, and there is no further danger of interference; and hence that a great deal of unnecessary time would be lost by detaining trains at Euxton.

Before concluding this report, I would offer the following remarks upon certain facts which bear partly upon this accident. It appears that, by the regulations of the Lancashire and Yorkshire Railway Company, the engine-driver and train is under the control of the guard, as to stopping, starting, &c.; and although the 22d regulation for engine-men states that luggage, coal, and ballast trains are to give way to passenger trains by going into the nearest siding, yet it would appear from the 11th regulation for guards of luggage trains, that the responsibility of avoiding such trains rests with the guard. The regulation is as follows: "The guard or breaksman is to make himself acquainted with the time of the passenger trains passing all parts of the line, and when likely to be overtaken, remind the engine-man immediately to shunt into a siding out of the way of a passenger train, and in passing warn the signal-man of such intention."

The guard sent with the cattle train in question was not provided with a watch, and hence would have been unable to comply with this regulation.

It would also appear from the regulations of the Lancashire and Yorkshire Railway Company, that all trains in arriving at stations are under the inspectors or porters in charge, who give orders to the guards as to the stopping, starting, &c.; there is not, however, among the regulations for inspectors or porters in charge any allusion made to the shunting of goods, &c. trains to make way for passenger trains. The only regulations on the subject are those quoted above for engine-drivers and guards; and no time is anywhere mentioned for the line to be clear of a goods train before the expected arrival of a passenger train. It was stated by the officers of the company that the circumstances of each station were so different, on account of the gradients on the line, that what was suitable for one station, would not be so for another, and that special instructions were required for each. The station master at Chorley, however, was not supplied with any written or printed special instructions, and I would remark that the argument in question would appear to be equally applicable to regulations as to trains which arrive at stations within a limited time after other trains have started; and since it has been considered advisable by the Lancashire and Yorkshire Railway Company to issue a general instruction to inspectors of stations on this subject (*see* No. 17, Inspectors or Porters in charge), one on the subject of the shunting of trains would also appear to be advisable.

I have, &c.
(signed) *Douglas Galton*,
Captain Royal Engineers.

The Secretary of the Railway Department,
Board of Trade.

Appendix, No. 10.

Lancashire and Yorkshire Railway.

GENERAL REGULATIONS applicable to the whole of the Servants of the Lancashire and Yorkshire Railway Company.

Manchester, August 1851.

1. EACH man shall devote such time as may be required of him to the company's service, and make himself familiar with the use of the signals hereunto annexed.

2. He is to serve and reside wherever he is required.

3. He is promptly to obey all orders he may receive from the person placed in authority over him, and strictly conform to all known regulations.

4. Unless appointed so to do, he is not on any occasion, or under any pretence whatever, to receive money from any person on the company's account.

5. He will receive his pay upon the days appointed.

6. The company reserves the right to deduct from the pay any sums awarded for neglect of duty as fines, which will be appropriated to a sick fund; also rent, when a tenant of the company. A week's pay to be retained in hand on their entry into the service.

7. He is not to quit the company's service without giving two weeks' previous notice of his intention; such notice to commence from the same day of the month on which he entered the service of the company; and in case he quits without such notice, all pay then due to him shall be forfeited.

8. Every man dismissed, or who shall resign his situation, shall, before he quits the company's service, deliver up every article of dress and of the appointments which have been supplied him.

9. If any such articles shall have been improperly used or damaged, a deduction from the pay due to the man shall be made, sufficient to make good the damage, or to supply a new article.

10. Each man shall be liable to immediate dismissal for incompetency, disobedience of orders, negligence, or other misconduct, or to such other punishment as may be awarded.

11. Intoxication will ever be treated as a grave offence; and every man so offending will be dismissed, and made liable to fine and imprisonment by the magistrates, as well as by the company, for any damage or negligence arising therefrom; and his attention is particularly directed to an extract of an Act passed in 1840, exhibited at all the stations, bearing on this subject.

12. Any case of incivility or rudeness will meet with instant punishment by dismissal or fine; and all persons employed by the company are strictly forbidden from entering into altercation with any other person, whatever provocation may have been given; he is to make a note of it, if necessary, and report to his immediate superior.

13. Each man will be held legally liable for injury occasioned to persons or property by his negligence, and the company reserve the right of withholding any pay then due to defray the expenses of the same.

14. Each man to whom any article of dress or other appointment is furnished, must appear when on duty in it, in an efficient and proper state of neatness and cleanliness.

15. The pay of every man absent or suspended from duty will be stopped. No persons employed by the company are allowed to receive gratuities, or to smoke on the premises.

16. Any person embezzling, or attempting to embezzle, any property from the company's premises, will be prosecuted with the utmost rigour of the law.

17. Whenever any person has occasion to walk on the railway, he is to take that line which would meet a coming engine, that is the right hand line of rails, and in getting out of the way of a coming train to look behind and keep clear of any that might be following him. In the event of any one being obliged to go into a tunnel, in case of two trains meeting, he is to lie on the ground close to the right-hand side wall of the tunnel, and to remain in that position till the trains have passed.

18. Every servant of the company is immediately to repair to any part of the line where his assistance is likely to be required, should the alarm of fire, or of any accident, by ringing the station bells for assistance, by night or by day, be perceived or come to his knowledge.

19. A copy of these instructions, in addition to those issued to particular parties, will be posted in a conspicuous place at each station, and no plea of ignorance by any servant will be admissible.

20. Every engine-driver, guard, stoker, and pointsman is required always to have about his person (when on duty) a copy of the rules, regulations, and time tables of all companies' trains passing over the main line, and to make himself perfectly acquainted with them; and he will be held responsible for any accident that may arise from ignorance of them.

21. Every

21. Every guard, engine-driver, stoker, and pointsman must apply, not later than the last day but one of the month, at his superintendent's office for a time table of such companies working over his part of the line for the ensuing month.

SUPERINTENDENTS.

It will be the duty of the divisional superintendents to use their utmost exertions to enforce all orders and regulations that are or may be hereafter issued; suspending for their judgment, or dismissing immediately, should the case demand it, any parties offending against the same; and in the event of any circumstance arising which is not provided for by Act of Parliament, or the general regulations and bye-laws of the company, they are to use their discretion to meet the same, in such a manner as may seem best calculated to promote the public safety, and the security of the company (always bearing in mind the safety and convenience of the public as the primary object), reporting the particulars of all occurrences to the general manager.

The Engineering Department will embrace the construction and maintenance of the company's works of all descriptions, including fixed signals, also the platelayers, gatekeepers, and pointsmen employed thereon; and the company's resident engineer, with such assistants under his directions as may be considered requisite, will be held responsible for their efficiency and conduct, and the due performance of all contracts relating thereto.

The storekeeper's duty will embrace the receipt, custody, and issue of stores to the several departments, for which purpose a general depôt is established at Manchester, under the superintendence of the company's storekeeper, who will keep the accounts against each department, and reject such stores as may not be in accordance with contract. The particulars and mode of keeping his accounts will be issued under the sanction of the Board, by whom all supplies will be bought by public tender, when possible to do so.

He will comply with no indents not signed by parties authorised to approve demands, or those acting in their absence. He will keep a book in which the heads of departments are to insert an account of such stores as are likely to be required for their respective use. He is not to relieve any party making a demand "in lieu" of any part of his original charge, until the unserviceable article be returned into store. He is to see the stores and storehouses properly secured against fire, and never to allow hemp, cotton, waste, or other things liable to spontaneous combustion, to be put near acid or grease; and should any such matters have been in contact with grease, they are not to be received within, or in contact with, the buildings.

The Mechanical Department will consist of—

1. The In-door Locomotive Department, which will embrace all matters connected with building and repairing the steam-engines.

2. The Out-door Locomotive Department will include all matters and persons connected with the working of the engines, and the small repairs which may from time to time be executed at the out stations.

3. The Carriage Department will comprise the building and repairing of the carriages, horse boxes, luggage vans, and parcel carts, and all matters connected therewith.

4. The Wagon Department will include the building and repairing of the wagons, goods, break vans, lurries, carts, &c., and all matters connected therewith.

5. The accounts and the supply of stores in each of the above departments will be made and kept in such manner as the Board may from time to time direct.

THE Station Master, or other Individual in charge of any Station, Crossing, or Junction, will be responsible for the proper Working of the Signals.

1. Near each station, junction, or level crossing, fixed signals* will be placed on both lines, at a distance that can be most effectually worked and seen, which are to be laid on to stop on either line when any train has passed within it at a less interval than five minutes, or before any obstruction to the main line is permitted, and so long as it remains. On approaching these signals to stop, every engine-driver and guard is to take every precaution to stop, if requisite, at them; and to ascertain how far they may proceed beyond them, at such a speed as to be able to stop short of any obstruction, and to communicate with the party in charge of the signal, that he may know the position of a preceding train or engine, or any other cause that made the signal requisite.

* *Vide* Sketch annexed, Diagram No. 1.

2. A green signal, whether by flag, board, or light, in all cases requires the driver to slacken speed, and to proceed cautiously.

3. A red signal, either by flag, disk, or light, in all cases requires the drivers to stop, and ascertain the cause of obstruction.

4. Should any case arise when signals may be requisite, and no green or red flag or lamp be at hand, the waving of the arms or a hat by day, or the waving of a light by night, are to be used in the following manner, viz:—From side to side substituted for the green signal, and up and down for the red.

Appendix, No. 10.

Lancashire and Yorkshire Railway.

5. In hazy weather, or on any other urgent occasion, to stop an engine or train, three detonating signals are to be fixed on the inner rail of the line on which the train or engine is expected, at 100 feet apart, the nearest not being less than 400 yards from the cause of obstruction.

6. In the event of any circumstance stopping a train, or reducing its speed, so as to endanger it from a following train, the guard, engine-driver, fireman, or other person, is to use the following precautions:—

On the train coming to a stand he is immediately to proceed back, not less than 600 yards, with his red signal by day, and his red light by night, displaying them as may best be seen by an approaching engine on the same line, and always, if provided with one, have his red port-fire by night ready to explode when he hears or sees a train coming on that line. The use of this signal is all-important while he is returning to rejoin his train after going back at night, or when his train, from any cause, is going at a less speed than is requisite to keep its proper time, or than a following train may be expected to travel. The detonating signals, as well as the red port-fire, are always to be kept in order and readiness, and whenever a guard, fireman, or other person is sent with a danger signal in the rear of a train at night, or in a fog, he is to fix three of such detonators on the right hand rail of the line his train is on (these signals being fixed, label upwards, by bending the clip round the upper flange of the rail, to prevent its falling off); and on rejoining his train, being whistled or called back, he is to leave them on the rails, so that any succeeding train may know the preceding one has been retarded. In the event of the speed being reduced so that he is able to keep up with his train, he is to affix the detonator signals as he goes along, until he has provided as above for the safety of his train, which he is to rejoin, keeping his red port-fire in readiness to explode the moment he hears or sees a train approaching; this signal burns three minutes, and each guard being provided with two, it would give ample warning to an approaching train. The red port-fire is also to be used in cases where the guard finds it necessary to signal the engineman to stop the train.

Instructions to Guards, Engine-drivers, Stokers, Pointsmen, and Others, respecting the Signals at Junctions with the Lancashire and Yorkshire Railway.

* *Vide* Sketch annexed, Diagram No. 2.

7. There are three signal posts,* near the points of junction.

8. These signals must always be kept as stopping signals, and on the approach of any train, as soon as the pointsman hears the whistle, he must, if the line be clear, turn the signal for the approaching train to pass.

9. The engine-driver of every train on the main line, when within 800 yards of the junction, must give a long-continued whistle to warn the pointsman of his approach.

10. The engine-driver of every other train, when within 800 yards of the junction, must give a succession of short, distinct whistles, and reduce his speed, so as to stop if requisite.

11. In case of trains on both lines approaching the point of junction at the same time, the main line trains are to have the right of road, and the other trains must be stopped until such main line trains have passed.

12. If the other trains have to follow the trains on the main line, or *vice versâ*, past the point of junction, an interval of five minutes must elapse previous to their being allowed to do so, and then great caution, and the general regulations as to distance, must be observed.

13. In foggy weather, as well as at dark, the lamps at the different signal posts must always be kept lighted, and explosive signals and red port-fires ready, and used if required.

Signals for Special Trains or Return Engines.

14. A red board by day, and an additional lamp by night, at each end of the train.

The strictest attention and obedience to the foregoing rules is required from all the guards, engine-drivers, stokers, and pointsmen of all companies using the lines, and others to whom they may relate, upon pain of instant dismissal, or prosecution under Lord Seymour's Act; and any neglect of, or inattention to these orders, coming to the knowledge of any servant of any company using this line, should be immediately reported to the superintendent of the district of the Lancashire and Yorkshire Railway Company.

N.B.—The main lines of the Lancashire and Yorkshire Company extend from Liverpool to Salford, and from the Victoria station at Manchester to Goole, and all companies using any part thereof must observe these signals, as the Lancashire and Yorkshire Company does on other lines.

Regulations for Enginemen and Firemen.

1. No engine shall pass along the wrong line of road; but if, in case of accident, an engine shall be unavoidably obliged to pass back on the wrong line, the engineman is to send his fireman, or some other competent person, back a distance of not less than 600 yards before his engine moves, to warn any engine coming in the opposite direction; and the fireman shall continue running, so as to preserve the distance of not less than 600 yards between him and the engine. If dark, the man shall take his red light, and make a signal by exploding his port-fire on the approach of a train, and the engineman of the engine moving on the wrong line shall keep his steam-whistle constantly going, and must not move in the wrong direction further than to the nearest shunt.

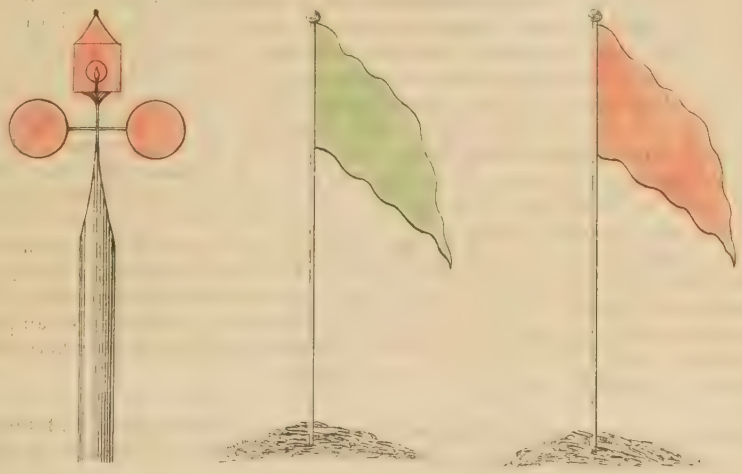
2. Engines travelling on the same line shall not approach within 800 yards of each other's trains, unless expressly required.

3. No

[To face page 220.]

DIAGRAM, No. 1.

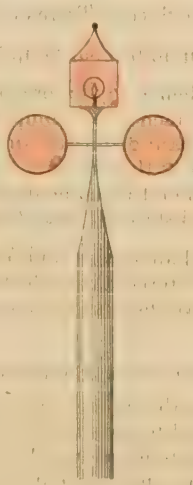
SIGNALS.



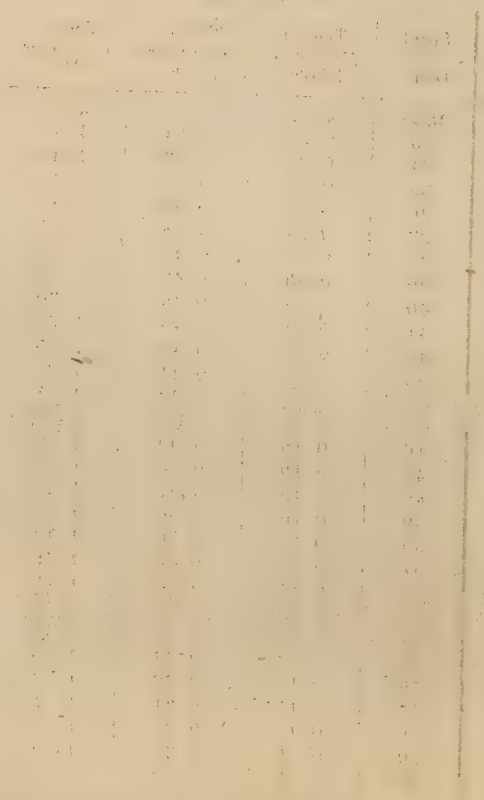
RED is a signal of Danger—Stop.
GREEN—Caution—Proceed Slowly.

DIAGRAM, No. 2.

JUNCTION SIGNALS.



No. 246. Ordered, by The House of Commons, to be Printed, 18th March, 1853.
Henry Hansard Printer



3. No person, except the proper engineman and fireman, shall be allowed to ride on the engine or tender without the special permission of the general manager or locomotive superintendent.

4. The engineman and fireman must be with their engine 30 minutes before the time appointed for starting, in order to see that the engine and tender are in a proper state for work, and that proper signal lamps are attached; they are also to appear on duty as clean as circumstances will allow.

5. Every engineman shall have with him, at all times, in his tender, the following tools, &c.—

1 screw jack and tow chain,
1 set of signals and time table,
1 complete set of lamps,
1 large and small monkey wrench,
3 cold chisels,
2 naptha torches,
1 hammer,
1 large and one small oil can,
Plugs for tubes,
2 fire buckets,
1 red flag,
1 case of signals, containing—
4 red port-fires, and
6 detonators.

6. When the engine is in motion the engineman and fireman are to stand in such a position as will enable them to keep a good look-out; the fireman must always be ready to obey the orders of the engineman.

7. The fireman is to couple the engine to the train, and the engineman must ascertain that it is done.

8. No engine is permitted to stand on the main line (except under very special circumstances) when not attached to a train, and the driver shall not at any time leave his engine or train, or any part thereof, on the main line, unless there be a competent man in charge to attend the necessary signals.

9. No engine shall cross the line of railway at a station without permission, and the stop signal on.

10. An engineman is never to leave an engine in steam without shutting the regulator, putting the engine out of gear, and fixing down the tender break.

11. No engine is allowed to propel a train of carriages or wagons, but must in all cases draw it. In case of an engine being disabled on the road the succeeding engine may propel the train slowly (approaching it with caution) as far as the next shunt or turn out, at which place the propelling engine shall take the lead.

12. Enginemen are to regulate the speed of their engine, whether attached to a train or not, by the time table, as near as safety will permit.

TABLE, showing the Speed of an Engine when the time of performing a Quarter, Half, or One Mile is given.

Speed per Hour.	Time of performing ¼ Mile.	Time of performing ½ Mile.	Time of performing 1 Mile.	Speed per Hour.	Time of performing ¼ Mile.	Time of performing ½ Mile.	Time of performing 1 Mile.
Miles.	*m. s.*	*m. s.*	*m. s.*	*Miles.*	*m. s.*	*m. s.*	*m. s.*
5	3 0	6 0	12 0	33	0 27	0 54	1 49
6	2 30	5 0	10 0	34	0 26	0 53	1 46
7	2 8	4 17	8 34	35	0 25	0 51	1 43
8	1 52	3 45	7 30	36	0 25	0 50	1 40
9	1 40	3 20	6 40	37	0 24	0 48	1 37
12	1 30	3 0	6 0	38	0 23	0 47	1 34
11	1 21	2 43	5 27	39	0 23	0 46	1 32
12	1 15	2 30	5 0	40	0 22	0 45	1 30
13	1 9	2 18	4 37	41	0 21	0 43	1 27
14	1 4	2 8	4 17	42	0 21	0 42	1 25
15	1 0	2 0	4 0	43	0 20	0 41	1 23
16	0 56	1 52	3 45	44	0 20	0 40	1 21
17	0 52	1 46	3 31	45	0 20	0 40	1 20
18	0 50	1 40	3 20	46	0 19	0 39	1 16
19	0 47	1 34	3 9	47	0 19	0 38	1 16
20	0 45	1 30	3 0	48	0 18	0 37	1 15
21	0 42	1 25	2 51	49	0 18	0 36	1 13
22	0 40	1 21	2 43	50	0 18	0 36	1 12
23	0 39	1 18	2 36	51	0 17	0 35	1 10
24	0 37	1 15	2 30	52	0 17	0 34	1 9
25	0 36	1 12	2 24	53	0 17	0 34	1 7
26	0 34	1 9	2 18	54	0 16	0 33	1 6
27	0 33	1 6	2 13	55	0 16	0 32	1 5
28	0 32	1 4	2 8	56	0 16	0 32	1 4
29	0 31	1 2	2 4	57	0 15	0 31	1 3
30	0 30	1 0	2 0	58	0 15	0 31	1 2
31	0 20	0 58	1 56	59	0 15	0 30	1 1
32	0 28	0 56	1 52	60	0 15	0 30	1 0

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13. When the road is obscured by steam or smoke (owing to a burst tube, or any other cause) the engineman is immediately to slacken his speed, so that he may pass slowly, and stop altogether if necessary, in order to assertain the cause, and report it at the next station, or elsewhere, should it require such precaution.

14. When there is an accident on the opposite line to that on which he is moving, he is to stop all the trains between the spot and the next station, and caution the respective enginemen, and render every assistance in his power in all cases of difficulty.

15. In case of accident to his engine or tender (when alone) he is to send back notice by his fireman to the nearest platelayer or gatekeeper on duty; but if they are too distant, the fireman is to remain stationary 600 yards in rear of his train, and proceed according to signals No. 6, pages 13 and 14.

16. Enginemen are strictly prohibited from throwing out of their tender any small coke or dust, except into the pits made for that purpose at first class stations.

17. Enginemen with pilot or assistant engines, must be prepared (while on duty) to start immediately on receiving instructions from the locomotive foreman or the station master.

18. Enginemen are strictly enjoined to start and stop their trains slowly, and without a jerk, which is liable to snap the coupling chains; and they are further warned to be careful not to shut off their steam too suddenly (except in case of danger,) so as to cause unnecessary concussion of the carriages or wagons.

19. Enginemen, in bringing up their trains, are to pay particular attention to the gradients, state of the weather and condition of the rails, as well as to the length and weight of the train; and these circumstances must have due weight in determining when to shut off the steam, and when to apply the breaks. Stations should not be entered so rapidly as to require a violent application of the breaks.

20. Enginemen and firemen are to pay immediate attention to all signals, whether the cause of the signal is known to them or not; and any engineman neglecting to obey the signal, is liable to immediate dismissal from the Company's service. The enginemen must not, however, trust to signals, but on all occasions be vigilant and cautious, and on no account be running before the time specified in his time table. He is also to obey the special orders of the officers in charge of stations, when required for the company's service.

21. Whenever he sees or hears a signal, whether made by lamp, flag, detonator, portfire, or any other which he understands to be a signal to stop, he is to bring his engine to a stand, as close to the signal as possible. (*See* signals.)

22. Ballast engines are prohibited from working along the line in a fog, except when authorised to do so by a special order in writing.

23. Luggage, coal, and ballast trains, are always to give way to passenger trains, by going into the nearest siding.

24. The whistle is to be sounded on approaching each station and level crossing. Three short sharp whistles, rapidly repeated, must be given when danger is apprehended, and when it is necessary to call the attention of the guards to put on the breaks. When more than one engine is attached to the train, the signal is to be given by the leading engineman; and in case of danger, is to be repeated by the following engineman, who will forthwith "reverse," and put on their tender breaks; the last engine always to shut off steam first.

25. Should fire be discovered in the train, the steam must be instantly shut off and the breaks applied, and the train be brought to a stand, the signal of obstruction to the line be made, and the burning wagon or wagons be detached with as little delay as possible. No attempt must ever be made to run on the nearest water column, if it is more than 300 yards from the place where the fire is discovered, as such a course is likely to increase the damage.

26. Enginemen will be responsible, and must see that their fire boxes and boilers are well washed every sixth day; and when in shed, will be responsible for having the boiler filled with water, ready for the steam being raised next morning. He is also required to have the glands or stuffing boxes properly packed and screwed up, so as to prevent blowing.

27. Enginemen must not allow their firemen to shunt wagons or carriages, or move the engine at all for other than temporary purposes; neither enginemen or firemen must leave their engine (when on duty) at a station.

28. The movements of all trains are under the orders of the guard, to whose instructions as to stopping, starting, &c., the engineman is to pay implicit attention; but no engine, carriage or wagon, whether loaded or not, shall stop at any but the appointed places, except only when a signal is given, or in case of accident to any part of the engine or train, or when, in the judgment of the engineman, it is necessary to prevent accident, in which case he is to see the fireman, guard, or breaksman, or other person make the proper signal.

29. If

29. If any part of a train is detached when in motion, care must be taken not to stop the train in front before the detached part has stopped, and it is the duty of the guard of such detached part to apply his break in time to prevent a collision with the carriages in front, in the event of their stopping.

30. Every engineman at the end of his journey is to report to the superintendent of locomotive power, or his foreman, or his clerk in attendance,—

1st. As to the state of his engine and tender, including any defects in either, no matter however trifling.

2d. As to any defect in the road or works on the journey.

Should any engineman arrive at or start from a station without a proper complement of fuel and water, he will be suspended from duty, and fined or discharged, as may, according to circumstances, be decided upon.

31. He is also to see that his signal and gauge lamps are taken into the porter's lodge for the purpose of being trimmed.

Contractors, Platelayers, and Constables,

Are under the immediate orders of the resident engineer and his assistants, and will be held responsible for the efficient state of the way and signals committed to their care, and the protection of the company's premises and property belonging thereto; for which purpose a form of appointment as constables will be made for all parties in charge of level crossings and junctions; gangsmen of platelayers thus being authorised to arrest any person or persons trespassing, or damaging the works, taking the party so offending to the nearest station, to be dealt with as the law directs.

Each gangsman will be provided with a constable's staff, and all requisite signals, viz., red and green flags and staves, signal lamp, red port-fire, and detonating signals, to be used as directed under the head of "Signals."

A notice board or red flag will be hung at each end of a train, in the event of a special train or engine following, and an extra light at night; but it will happen that special trains will be despatched without any previous notice having been given, so that it is necessary to be at all times prepared for unexpected trains.

Platelayers and constables are directed to observe every train which may pass them, in order that they may know whether a notice board or signal is attached to it. On learning by any means that an accident has occurred, they are to make all possible despatch to the next platelayer farther from the place than himself, who again in like manner is to run to the next more distant platelayer, and so on progressively, till information of the accident has by this means reached a station.

The platelayer on whose district the accident may have happened, after having communicated with the next man, must return with all the despatch he can use, with the whole of his assistants, to the place where the signal was displayed.

The platelayers of the adjoining districts must also send their assistants to the point from whence the signal was made; but after having communicated the information towards the station, they must themselves return and remain on their own districts.

Any platelayer refusing or neglecting to forward a communication thus made, will be fined the whole of his stoppages, and dismissed from his employment.

The duty of the platelayers, in addition to the foregoing, will be as follows:

To maintain the rails in proper gauge, perfect in line and level, and safe in all other respects.

To scrape and sweep the rails, so as to keep them clean, and free from dirt and snow.

To remove all loose timber, stones, iron, or other materials, from the road, and to keep the line clear from wagons, or interruption of any kind.

To report to the engineer's inspectors any defect in the fences or any of the other works.

To try frequently that the main line sidings and points are in their proper and respective gauge.

For all the above he will be held responsible, and liable to punishment for neglect.

Clerks in Charge.

A clerk in charge of a station will be responsible for the due collection and correct and punctual account of all matters connected with the company's revenue, in strict accordance with the forms and instructions he may from time to time receive. He is to make unreserved communication to the general manager, should any alteration calculated to promote the public convenience or increase the revenue suggest itself, or be suggested to him. He will be held responsible for the good conduct and order of all persons employed at his station, as well as for the order and arrangement of the station itself, communicating, as above, any neglect or irregularity that may come to his knowledge, suspending the parties if necessary, to be dealt with as the case may require. The booking-office must be open from half-an-hour before the departure of the first morning train to the arrival of the last at night, and is never to be left without a responsible person in charge, capable of giving such information as may be required by the public, in reference to the transit of persons, matters,

matters, or things by the railway. The doors of the booking-office must be closed exactly at the advertised time of departure of the trains, and re-opened immediately after they have left.

Inspectors, or Porters in Charge.

1. There will be one at each station, who must reside wherever required in his district, and attend such hours as may be appointed.

2. He is to be directly responsible to the clerk in charge, from whom he will receive his instructions, and to whom he will make a daily report of occurrences.

3. He is to report without delay any neglect of duty on the part of the men under his orders; and in every case of complaint against a man, he is to communicate the particulars as soon as possible, so that the offender may be sent to head-quarters, if the case require it.

4. He will take care that all orders given from time to time are promptly and strictly obeyed.

5. He will see that proper regard is paid to the comfort and convenience of passengers, strictly enforcing civility and respectfulness of demeanor on the part of all the company's servants, setting himself an example in these respects; and on no account either himself or permit others to enter into altercation with passengers or strangers, whatever provocation may be given. He must inspect the waiting and other rooms daily, and see that they are kept in a state of comfort and cleanliness, and that no improper person is admitted thereto.

6. He will regulate the egress of passengers from the departure yard, on their arrival by the trains, taking care that no person is permitted to expose himself to danger at the station, and assist the guards in placing passengers in the proper carriages of departing trains.

7. The switches and signals being under his especial charge, he is to direct to them the most vigilant attention, to see that they are properly placed and used, and that the signal to stop is laid on whenever the road is not clear, as well as on the arrival of a train.

8. From the time of arrival to that of departure, the trains are to be under his direction, and where there is no inspector the guard is to start and have charge of the train at stations, as well as on the journey.

9. To have control of all the men, including guards, at his station, and he will be held responsible for their good conduct. He is also to examine the men, and see that they are conversant with the signals and general regulations.

10. To render every assistance in his power to the clerks and guards.

11. To pay such wages as may be intrusted to him by the clerk in charge, obtaining each man's signature for the amount paid.

12. To be responsible for, and keep an exact account, according to the form prescribed, of all articles sent for the use of his station; and render an account of stock periodically to the storekeeper, as also all unclaimed property to the superintendent, with full particulars specifying when, where, and by whom found.

13. He must be careful that all stores supplied for the station are prudently and economically used, and that there is no waste of gas, oil, coal, or any other stores.

14. To keep a muster roll of the men at his station, according to form supplied.

15. To take general charge of the office and buildings at his station, and all the company's property.

16. To take care that a sufficient number of signal lamps, flags, detonating signals, and red port-fires, are always in readiness, and those required lighted at the proper time, and that no train leaves his station which is likely to be on the main line after dark, without the proper lamps, especially the red ones at the tail of the trains; to report any inefficiency in the coach lamps, either from bad oil or other causes, to the superintendent of his district; and to see that all lights are extinguished at the proper time, and the fire buckets ready in case of accident; and in the event of fire or accident, to give the alarm by ringing the station bell. He is to be particular that all the notice boards and papers are kept in their places, and that every carriage is properly coupled, and the loading well secured. Every exertion must be made, and assistance given to the guards, for the expeditious despatch of the trains. No train must be started before the time stated in the time tables.

17. In the event of any engine or train arriving at his station within five minutes after the departure of an engine or train, it is to be stopped, and detained at the station until the expiration of five minutes after the departure of the previous engine or train; and he is to caution the engineman, giving him the particulars of the previous train, with the exact time it passed, and where it is next to stop, in order that he may be aware of its position on the line.

18. When the inspectors have any wagons to attach to an approaching goods train, they must exhibit a green flag during the day, and a green light during the night, which are to be waved up and down as a signal for the train to stop. If the engine be not already loaded to her full power, the driver will stop without returning any signal; but if sufficiently

ciently loaded, the driver will check his speed, but not stop, in reply to the inspector's signal, which will indicate that the engine cannot take any greater load and will not stop, but proceed past the station at a moderate speed, in which case the inspector is to report the circumstance, stating the number of wagons or other vehicles in the train, enumerating those loaded and those empty; empty wagons are to be taken off when full ones are attached, unless a reason is given for not doing so.

GUARDS.

1. There will be a guard to each train who is to be in attendance half an hour before the time of starting, to prevent any person getting into a carriage without a proper ticket, and to see to the proper arrangement of the passengers' luggage and parcels; or if a luggage train, to see the wagons properly placed and sheeted.

In the event of any circumstance stopping a train, or reducing its speed, so as to endanger it from a following train, the guard is to use the precautions detailed on page 14.

2. The guard of each train will receive his instructions from the inspector, who will start the train, and to whom he is to make known every occurrence proper for his knowledge, as well as whatever is wanting.

3. The train will be under his control, and the passengers and property under his protection, and he will be responsible for the safety and regularity of the whole, keeping an account of the time of running, as required to be given in his report, and be answerable for the delivery of all luggage and parcels entrusted to him. On the arrival of his train at the terminus, he is not to leave the platform until he has delivered all parcels and luggage to the proper parties. Should any article be missed, he is to report the same immediately to the clerk in charge or inspector; and before leaving the station he is to make a report of his journey on the printed form supplied for that purpose, with every circumstance of an unusual character that may have occurred, and accounting for all delays and loss of time. It will be his duty to take care, previously to starting, that the carriages or wagons are properly coupled.

4. That the proper signal, tail, and side lamps are attached, and that the carriages are in a proper state of cleanliness; to be particular in noticing, as frequently as possible, whether the red tail lamps be burning, and in proper order and repair, reporting every deficiency to the clerk in charge or inspector, to insure an immediate remedy when any neglect or imperfection occurs.

5. When a carriage is taken off or put on at a station or junction, the guard is to see that the tail and side lights are removed, and re-attached to the train.

6. On arrival at the Miles Platting incline, if descending without an engine, he is to communicate the number of coaches to the bank-rider, and surrender the whole into his charge, to be conducted to the station, himself acting under the bank-rider's guidance; and he is to give into the custody of the inspector any person he has detected riding without a proper ticket.

7. He is not to allow any passengers to smoke in the carriages or on the company's premises, nor in any manner to endanger themselves by imprudent exposure; and in the event of any passenger being drunk and disorderly, to the annoyance of others, he is to use all gentle means to stop the nuisance; but in the event of that failing, he must, for the safety of all, exercise his authority as a special constable, and on his arrival at the next station, report the circumstance to the clerk in charge, or inspector, and either confine him in the luggage van, or give the offender into custody.

8. In cases of accident or obstruction to the train, the safety of the passengers must be deemed of the first importance; he must adopt the promptest mode of communicating the circumstance to the next station and to head-quarters, and see that the proper signal is made to stop an approaching train on both lines.

9. Whenever it may be necessary to check the speed of the train by the aid of the breaks, the guards and breaksmen are to comply strictly and promptly with the directions of the engineman, as to the time and place to use or remove them: repeated and short whistles are the sign to use the breaks, and long ones to remove them; and whenever the steam is shut off, they are to have the break in hand, so that two or three turns would put it hard on, or scotch the wheel, which is to be avoided, except in urgent cases.

10. He is wholly responsible for every person having a proper ticket, which will be collected at the station appointed for that purpose. Should the guard have reason to suppose any person is without a ticket, or not in the right carriage, he is to request the party to show him his ticket, but not to receive it from him, but merely to satisfy himself that every passenger has a proper one. Guards and ticket collectors are prohibited from receiving any money for excess fares; but when they shall detect a person without a ticket, or over-riding the place for which such ticket was issued, they shall furnish him with one of their excess tickets provided for the purpose, and accompany such party to the clerk in charge, who alone is authorised to receive the money. Should any passenger wish to change his place from an inferior to a superior carriage, or proceed further than the station for which he has procured a ticket, it can only be done by the booking clerk at the next station; and whenever

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ever a passenger leaves the train, the guards are to assist in removing his luggage from the carriages, for the safety and security of which they are responsible; and are, therefore, never to leave the trains on any account whatsoever, except for the purpose of receiving or delivering the way-bill, or making a signal. They are never to be on the foot-board or steps while passing through the tunnels. In cases where a second guard is sent with a train, he is to act under the instructions of the first guard.

11. Implements to be in the break van:—

1 towing chain, 40 feet long,
2 coupling chains,
2 crow bars, 5 feet long each,
2 fire buckets,
1 signal lamp,
Box of lucifer matches,
2 torch lights,
1 case of signals, containing—
4 red port-fires, and
6 detonators,
Timber packing.

Should he require to stop his own train from any extraordinary circumstance, he is to apply his break sharply, and suddenly release it; and when it is requisite to stop the train suddenly, he must comply promptly with the signals given him by the engineman. (*See* Rule No. 24, page 23.)

He must make a report of the No. and description of any vehicle complained of as being uneasy, to the clerk in charge, or inspector, at the end of his journey. It is of great importance that all letters, invoices, and despatches given into his charge, be promptly left at the station to which they are addressed.

12. No guard to suffer any person, parcel, or thing, except the authorised passengers' luggage, to be taken in a train, unless previously booked at a station.

13. Any failure in the observance of these regulations will be visited by fine or dismissal and forfeiture of bond.

14. Every guard is to find security to the extent of 50*l.* for the honest and faithful discharge of his duty.

Regulations for Guards and Breaksmen of Luggage Trains.

1. The guards or breaksmen, as the case may be, must be in attendance 30 minutes before the hour fixed in the time bill for the departure of the trains.

2. In the event of his train being stopped, or travelling at a reduced speed, he is to adopt the precautions pointed out in reference to signals.

3. They are carefully to examine the loading and sheeting of the wagons before starting, and that the goods are protected from rain and sparks from the engine, reporting any deficiency to the person in charge of the loading shed or station, which person will be responsible to insure the goods from rain and sparks. They must also, at every station where the train stops, ascertain that the loading of the trucks has not moved, and especially that it does not improperly overhang the sides. They are also instructed to be particular in arranging all wagons containing goods of an inflammable nature, to place them in as safe a position as possible.

4. They are to be careful to ascertain that the axles of the wagons are properly greased before starting from a station, and that the break van is in proper order; also that the coupling chains are securely hooked.

5. The head guard (where there are two), is responsible for seeing that the signal lamps are attached to the train, and that on arrival the lamps are delivered to be cleaned.

6. The guard is to enter on his way-bill any delays or casualties, and report the same on arrival to the proper officer. When any wagons are left on the road that should have been taken forward, the guard must instantly, on arrival, give notice of the same.

7. The guard is to receive and enter on his way-bill such despatch bags, parcels, invoices, and letters as may be delivered to him, and must be very particular to deliver correctly any parcels of goods which may be entrusted to him between roadside stations.

8. He is to examine the labels on the wagons, and compare the destination and number upon each wagon with those in the way-bill. He is to notice any discrepancies in the latter, and correct any errors before starting.

9. The breaksman is to be provided with—

2 crow bars, 5 feet long each,
1 tow chain, 40 feet long,
2 coupling chains,
3 fire buckets, strong canvass, with 18ft. plaited lines attached,
1 signal lamp,
Case of signals, containing—
4 red port-fires, and
6 detonators,
Timber packing.

10. No person is allowed to walk or climb over the tops of the wagon sheets.

11. The

11. The guard or breaksman is to make himself acquainted with the time of the passenger trains passing all parts of the line, and when likely to be overtaken, remind the engineman immediately to shunt into a siding, out of the way of the approaching train, and in passing warn the signalman of such intention.

12. The guards or breaksmen are positively prohibited from allowing any one to ride on the breaksman's box, or on the train, without written authority; and any disobedience to this order will be punished by dismissal, and payment of the fare of the party riding, who will be prosecuted for the offence. Should he want to stop his own train, from any extraordinary circumstance, he must apply his break sharply, and suddenly release it, and when requisite to stop the train suddenly, he must comply with the signals given him by the engineman. (*See* Rule No. 24, page 23.)

Gatekeepers at Level Crossings.

1. The gates are never to be opened if a train is seen or heard approaching.

2. Every gatekeeper will be provided with day and night signals, in addition to a signal post, with lamps, and signal disks, placed on each side of his gate, which red disk by day, and red lamps by night, are invariably to be thrown on before the gates are opened, and so remain until the road traffic is passed, and the gates securely closed across the common road; and if a train approaches at a less interval than five minutes, he is to use his stop or caution signal.

3. The lamps, disks, and levers are to have the particular attention of the gatekeeper, who is to examine them every morning and evening, when the lamps are trimmed and lighted. The detonating signals and red port-fire are to be kept in a secure place, and always renewed by the first opportunity when any part is used.

Bank riders have the entire control and management of the incline plane at Miles Platting, and of everything passing down; nothing to descend except conducted by them on an engine, every man upon the train implicitly following their directions:

1. They must carefully inspect the condition of every train, and never attempt to move it till perfectly satisfied of the safety of every part.

2. They must see that the break wagon is in order.

3. They are to use vigilance to prevent any rubbish being placed on the incline plane, or obstruction of any sort.

4. They will report any omission to convey the requisite signals at the top or bottom of the incline plane by the persons employed.

5. They will give constant attention, not only to the breaks, but to the wheels, grease boxes, and other parts of the machinery of the carriages, and report any negligence or imperfection they may observe.

6. They are to be constantly provided with signal flags and signal lamps properly trimmed.

Artificers.

Will be engaged, when ordered by the Board, by the heads of the departments to which they severally belong, and whose orders they are strictly to obey, as well as such general regulations and orders as they may from time to time receive, and in the event of misconduct, the party engaging them will have full power to suspend or discharge them, reporting the particulars to the general manager.

Porters.

The porters are to be under the immediate orders of the inspector, and will take their turns to keep night watch; they are never to be absent from the stations during the hours of duty, without the knowledge of the clerk in charge, inspector, or his assistant. They are to appear on duty as neat and clean as possible. They are strictly prohibited from getting on a train, or between carriages or wagons in motion; any disregard of this rule will insure immediate dismissal. They are to observe the utmost attention and civility to passengers and others, and, whatever the provocation, on no account to enter into altercation with any one, or take a gratuity, or receive money except their regular wages. They are to be familiar with the signals and general regulations, and examined in them by the inspectors.

Bye-Laws.

1. No passenger will be allowed to enter any carriage used on the railway, or to travel therein upon the railway, without having first paid his fare and obtained a ticket. Each passenger, on payment of his fare, will be furnished with a ticket specifying the class of carriage and the places from and to which the fare has been paid; which ticket such passenger is to show when required by the guard in charge of the train, and to deliver up before leaving the company's premises, upon demand, to the guard or other servant of the company duly authorized to collect tickets. Any passenger not producing or delivering up his ticket as aforesaid, will be required to pay the fare from the place whence the train originally started, or, in default of payment thereof, shall forfeit and pay a sum not exceeding 40 *s.*

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2. At the intermediate stations the fares will only be accepted and the tickets furnished conditionally; that is to say, in case there shall be room in the train for which the tickets are furnished; in case there shall not be room for all the passengers to whom tickets have been furnished, those to whom tickets have been furnished for the longest distance shall have the preference; and those to whom tickets have been furnished for the same distance shall have priority, according to the order in which the tickets have been furnished, as denoted by the consecutive numbers stamped upon them.

3. Any person travelling without permission in a carriage of a superior class to that for which he has obtained a ticket, is hereby subjected to a penalty not exceeding 40*s.*

4. Smoking tobacco is strictly prohibited, both in the carriages and in the company's stations. Every person smoking tobacco in a carriage or station is hereby subjected to a penalty not exceeding 40*s.*; and every person persisting in smoking tobacco in a carriage or station, after being warned to desist by the guard in charge of the train, or any officer of the company, shall, in addition to incurring a penalty not exceeding 40*s.*, be immediately, or if travelling, at the first opportunity, removed from the company's premises.

5. Any person found in a carriage or station in a state of intoxication, or committing any nuisance, or otherwise wilfully interfering with the comfort of other passengers, is hereby subjected to a penalty not exceeding 40*s.*, and shall immediately, or if travelling, at the first opportunity, be removed from the company's premises.

6. Any passenger cutting the linings, removing or defacing the number-plates, breaking the windows, or otherwise wilfully damaging or injuring any carriage used on the railway, shall forfeit and pay a sum not exceeding 5*l.*, in addition to the amount of any damage for which he may be liable.

7. No passenger shall be permitted to ride on the roof, steps, or platform of any carriage; and any person persisting in doing so, after being warned to desist by the guard in charge of the train, or any officer of the company, is hereby subjected to a penalty not exceeding 40*s.*

8. Any passenger entering or leaving, or attempting to enter or leave any of the carriages while the train is in motion, is hereby subjected to a penalty not exceeding 40*s.*

9. Dogs will not be suffered to accompany passengers in the carriages, but will be conveyed separately and charged for.

Extracts from the Act 3 and 4 Victoria, c. 97, entitled "An Act for Regulating Railways."

Punishment of Servants of Railway Companies guilty of Misconduct.

Section 13. That it shall be lawful for any officer or agent of any railway company, or for any special constable duly appointed, and all such persons as they may call to their assistance, to seize and detain any engine-driver, guard, porter, or other servant in the employ of such company, who shall be found drunk while employed upon the railway, or commit any offence against any of the bye-laws, rules, or regulations of such company, or shall wilfully, maliciously, or negligently do, or omit to do, any act whereby the life or limb of any person passing along or being upon the railway belonging to such company, or the works thereof respectively, shall be or might be injured or endangered, or whereby the passage of any of the engines, carriages, or trains shall be or might be obstructed or impeded; and to convey such engine-driver, guard, porter, or other servant so offending, or any person counselling, aiding, or assisting in such offence, with all convenient despatch, before some justice of the peace for the place within which such offence shall be committed, without any other warrant or authority than this Act; and every such person so offending, and every person counselling, aiding, or assisting therein as aforesaid, shall when convicted before such justice as aforesaid (who is hereby authorised and required upon complaint made to him upon oath, without information in writing, to take cognizance thereof, and to act summarily in the premises), in the discretion of such justice be imprisoned, with or without hard labour, for any term not exceeding two calendar months, or, in the like discretion of such justice, shall for every such offence forfeit to Her Majesty any sum not exceeding 10*l.*, and in default of payment thereof shall be imprisoned, with or without hard labour as aforesaid, for such period, not exceeding two calendar months, as such justice shall appoint; such commitment to be determined on payment of the amount of the penalty; and every such penalty shall be returned to the next ensuing Court of Quarter Sessions, in the usual manner.

Justices of the Peace empowered to send any Case to be tried by the Quarter Sessions.

Section 14. That (if upon the hearing of any such complaint he shall think fit) it shall be lawful for such justice, instead of deciding upon the matter of complaint summarily, to commit the person or persons charged with such offence for trial for the same at the Quarter

Quarter Sessions for the county or place wherein such offence shall have been committed, and to order that any such person so committed, shall be imprisoned and detained in any of Her Majesty's gaols or houses of correction in the said county or place in the meantime, or to take bail for his appearance, with or without sureties, in his discretion; and every such person so offending, and convicted before such Court of Quarter Sessions as aforesaid (which said court is hereby required to take cognizance of, and hear and determine such complaint), shall be liable in the discretion of such court to be imprisoned, with or without hard labour, for any term not exceeding two years.

Punishment of Persons obstructing Railways.

Section 15. That from and after the passing of this Act, every person who shall wilfully do, or cause to be done, anything in such manner as to obstruct any engine or carriage using any railway, or to endanger the safety of persons conveyed in or upon the same, or shall aid or assist therein, shall be guilty of a misdemeanor, and being convicted thereof, shall be liable, at the discretion of the court before which he shall have been convicted, to be imprisoned, with or without hard labour, for any term not exceeding two years.

For Punishment of Persons obstructing the Officers of any Railway Company, or Trespassing upon any Railway.

Sect. 16. That if any person shall wilfully obstruct or impede any officer or agent of any railway company in the execution of his duty upon any railway, or upon or in any of the stations or other works or premises connected therewith; or if any person shall wilfully trespass upon any railway, or any of the stations or other works or premises connected therewith, and shall refuse to quit the same upon request to him made by any officer or agent of the said company, every such person so offending, and all others aiding and assisting therein, shall and may be seized and detained by any such officer or agent, or any person whom he may call to his assistance, until such offender or offenders can be conveniently taken before some justice of the peace for the county or place wherein such offence shall be committed, and where convicted before such justice as aforesaid (who is hereby authorised and required upon complaint to him upon oath to take cognizance thereof, and to act summarily in the premises), shall, at the discretion of such justice, forfeit to Her Majesty any sum not exceeding 5 *l.*, and in default of payment thereof shall or may be imprisoned for any term not exceeding two calendar months, such imprisonment to be determined on payment of the amount of the penalty.

Extracts from the Act 14 & 15 Vict. c. 19, entitled, "An Act for the better Prevention of Offences." (Passed 3d July 1851.)

Sect. 6. If any person shall wilfully and maliciously put, place, cast, or throw upon or across any railway any wood, stone, or other matter or thing, or shall wilfully and maliciously take up, remove, or displace any rail, sleeper, or other matter or thing belonging to any railway, or shall wilfully and maliciously turn, move, or divert any points or other machinery belonging to any railway, or shall wilfully and maliciously make or show, hide or remove, any signal or light upon or near to any railway, or shall wilfully and maliciously do or cause to be done any other matter or thing, with intent, in any of the cases aforesaid, to obstruct, upset, overthrow, injure, or destroy any engine, tender, carriage, or truck using such railway, or to endanger the safety of any person travelling or being upon such railway, every such offender shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be transported beyond the seas for the term of his natural life, or for any term not less than seven years, or to be imprisoned, with or without hard labour, for any term not exceeding three years.

Sect. 7. If any person shall wilfully and maliciously cast, throw, or cause to fall or strike against, into, or upon any engine, tender, carriage, or truck used upon any railway, any wood, stone, or other matter or thing, with intent to endanger the safety of any person being in or upon such engine, tender, carriage, or truck, every such offender shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be transported beyond the seas for the term of his natural life, or for any term not less than seven years, or to be imprisoned, with or without hard labour, for any term not exceeding three years.

Sect. 8. If any person shall wilfully and maliciously set fire to any station, engine house, warehouse, or other building belonging or appertaining to any railway, dock, canal, or other navigation, every such person shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be transported beyond the seas for the term of his natural life, or for any term not less than seven years, or to be imprisoned, with or without hard labour, for any term not exceeding three years; and if any person shall wilfully and maliciously set fire to any goods or chattels being in any building, the setting fire to which is made felony by this or any other Act of Parliament, every such offender shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be transported beyond the seas for any term not exceeding ten years, nor less than seven years, or to be imprisoned, with or without hard labour, for any term not exceeding three years.

Appendix, No. 10.

Lancashire and Yorkshire Railway.

(No. 548.)

LANCASHIRE AND YORKSHIRE RAILWAY.

To the Secretary of the Railway Department of the Board of Trade.

Collision.—Chorley Station.

Sir, Secretary's Office, Manchester, 7 March 1853.

I HAVE the honour to acknowledge the receipt of your letter of the 4th instant, enclosing copy of a report from the officer appointed to inquire into the circumstances which attended this collision.

I will submit same to the directors at their next meeting.

I am, &c.
(signed) *Jno. Dunston*, jun.
Secretary.

Whitehall, London.

MANCHESTER, SHEFFIELD, AND LINCOLNSHIRE RAILWAY COMPANY.

Manchester, Sheffield, and Lincolnshire Railway.

(No. 272.)

MANCHESTER, SHEFFIELD, AND LINCOLNSHIRE RAILWY.

Sir, 28 February 1853.

I AM directed by the Lords, &c. to transmit to you for the information of the directors of the Manchester, Sheffield, and Lincolnshire Railway Company, a copy of the report which has been made to them by the officer appointed to inquire into the circumstances which attended the accident that occurred at the New Holland station on the 1st instant.

My Lords direct me to request that you will call the attention of the directors to the observations in the report as to the careless manner in which the duties connected with the traffic upon the single line leading to the pier at New Holland have been performed, and also to the recommendations of their officer as to the manner in which this traffic should be conducted hereafter, so as to prevent the occurrence of a similar accident, and also as to the position of the signal which is erected between the station and the landing.

(signed) *J. L. A. Simmons*,
Captain, Royal Engineers.

Secretary to the Manchester, Sheffield, and Lincolnshire Railway Company.

Captain *Galton*'s REPORT on the Collision at the New Holland Station, on the 1st February, between two Passenger Trains.

Sir, 16 February 1853.

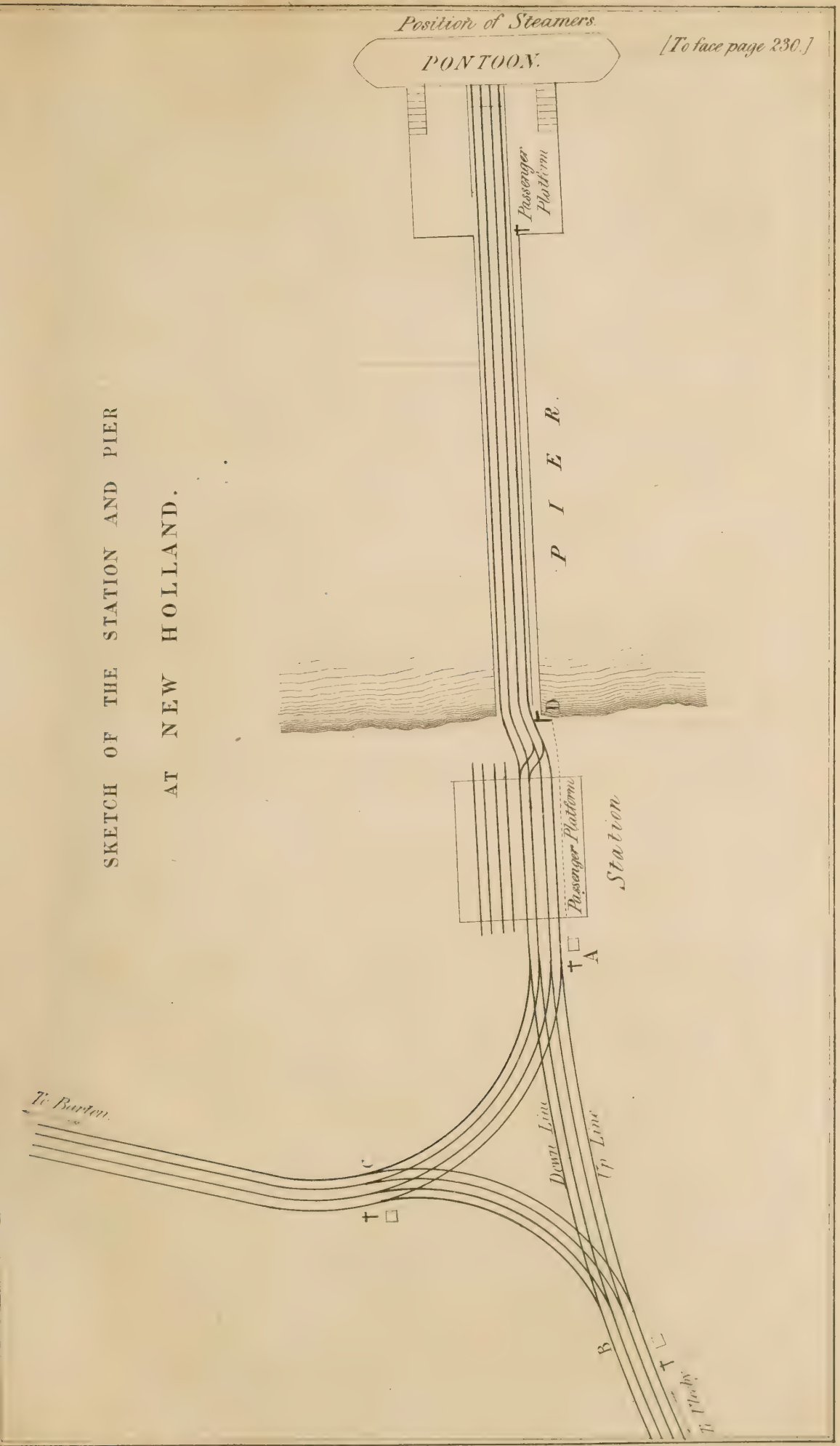
I HAVE the honour to inform you that I have inquired into the circumstances attending the accident which occurred at the New Holland station, on the Manchester, Sheffield, and Lincolnshire Railway, on the 1st instant, from a collision between two passenger trains. The New Holland station is a terminus to the Manchester, Sheffield, and Lincolnshire Railway Company's line to Hull; the traffic thence being conducted across the Humber, in steamers. Immediately south of the station, the line from Ulceby (the junction of the Manchester line with the Grimsby line) unites with the line from Barton; and these lines are also carried into each other, as shown in the accompanying Sketch, by the line B C. There is a platform at the station, on one side only, and for trains approaching this station from the south, the following mode of working is observed, viz. the trains from Ulceby run along the line B C, and then back down C A, whilst the trains from Barton run over the line C B, and back down B A.

When a train arrives from either Ulceby or Barton, the passengers from New Holland are set down at the platform, and the other passengers are backed along the pier; for, in order to accommodate the steam-boat traffic, the company have built a pier on piles, 500 yards in length, out into the river. At the end of the pier there is a pontoon, which rises and falls with the tide, alongside of which the steamers are laid. Two lines of rails are carried along the standing part of the pier, and at the end there is a platform adjacent to the up line, for the passengers to and from Hull, to get out of or into the trains, which are backed from the station. The up line is used for this purpose, and the other is used chiefly for goods, and cattle trucks, &c.

If, whilst a train is on the pier, another train should enter the station from the south, the signal-man, at A, puts up the distant signal at D, to notify that the line is not clear at the station; and no train ought to leave the pier till that signal is removed. The distance from the place at which the trains are drawn up on the pier to the station, is about

[To face page 230.]

SKETCH OF THE STATION AND PIER AT NEW HOLLAND.



J. Rawe, Lith.

N°246. Ordered, by The House of Commons, to be Printed, 18th March, 1833.

about 400 yards, and the pier is straight; so that, on a clear day, the station and the signal can be seen about equally well.

The following is the account of the accident. A boat is timed to leave Hull at 11 A.M., and the train in connexion should leave New Holland station, for Grimsby, at 11.30 A.M.; the train is drawn up alongside the platform on the pier, soon after 11, and waits for the boat, which usually comes in at about 11.25, or rather sooner. Another train leaves Barton at 11.15, reaches New Holland station at 11.25, and the passengers for Hull proceed by the boat which brings over the Grimsby passengers, and which is timed to reach Hull at 11.55. It appears to have been the custom of the station master at New Holland, in the case of the boats being late in arriving, to allow the Barton train, after it has deposited its passengers at the station platform, to back down to the pier and deposit the passengers for Hull there whilst the Grimsby train was standing there; and when the station master has been at the pier himself, attending to the Grimsby train, the guard of the Barton train appears to have occasionally ordered the driver to back down; but whenever it was likely to interfere with the departure of the Grimsby train, it was ordered to draw out of the station on to the line A C, and wait till the Grimsby train had passed. On the arrival of the Barton train at the station, the signal man at A exhibits his danger signal towards the pier at D, and on the train moving out again to A C, he removes the danger signal at D. On the day on which the accident occurred, viz. the 1st instant, the fog was very thick. The station master and porters were down at the pier with the Grimsby train, when the Barton train came in at 11.25; the local passengers got out at the station, and the engine driver detached and shunted into a siding a waggon of cattle, and returned to his train and coupled his engine to it; the guard then gave him a signal, which the driver stated he understood to mean to back on to the pier, whilst the guard stated he intended him to go out into the line A C; however he backed down towards the pier; and as the train was just getting on to it, the Grimsby train came up and struck it. As neither trains were moving fast the collision appears to have been slight. The Grimsby train had been started from the pier by the station master, who states that he ordered it to start because he supposed the Barton train had gone into the line A C, but that he could not see the signal, as the fog was so thick; and that, if he could have seen the signal, he would not have started the train.

Since the accident, the station master has given the following written order to the guard of the Barton train not in any case to go down on to the pier till the Grimsby train has gone out.

"The 11.15 A.M. Barton train is never to be backed down to the pier, upon any occasion whatever, until the 11.30 A.M. Grimsby train is clear of the station."

But, inasmuch as it appears to have been the custom for this train occasionally to back down the pier when the Grimsby train was standing there, and that it would seem that the station master has only remonstrated with the guard upon the subject when his doing so had delayed the other train, and that he admits, that if he had seen the signal, he would not have started the Grimsby train, I am of opinion that the chief blame of this collision must rest with the station master, who, before starting the Grimsby train, should have ascertained the position of the Barton train.

Considering, however, that this piece of line along the pier is, as it were, a single line, and although being short is yet subject occassionally to very thick fogs, and that it appears to be sometimes necessary for more than one train to be drawn up at the pier platform, to await passengers by the boat, it would conduce to the safety of the working if no train were allowed to move along it, in either direction, without the direct order, either of the station master or of some other person, who should be specially appointed to the duty, or unless accompanied by a pilot-man.

And since, in cases of fog, the signal at D cannot be seen from the end of the pier, it is very desirable that it should be advanced considerably, so as to be visible in foggy weather by the person starting the trains from the pier.

I have, &c.
(signed) *Douglas Galton*,
Capt. Royal Engineers.

The Secretary of the Railway Department,
Board of Trade.

(No. 510.)

MANCHESTER, SHEFFIELD, AND LINCOLNSHIRE RAILWAY.

Sir, Secretary's Office, Manchester, 5 March 1853.

I HAVE the honour to acknowledge receipt of your letter of the 28th ult., with report upon the recent collision on this company's line of New Holland, which have been laid before my directors, and I am instructed to inform you that instructions have been given for the removal of the signal as recommended, and in future no train will be allowed to leave either the station or the pier without signals being given from each point to show that the line is clear. This will prevent the possibility of a similar accident again occurring.

I am, &c.
(signed) *Edward Ross*, Secretary.

Captain Simmons, Railway Department,
Board of Trade, London.

Appendix, No. 10.

Midland Railway.

MIDLAND RAILWAY COMPANY.

(No. 314.)

Railway Department, Board of Trade,
Whitehall, 5 March 1853.

Sir,

I AM directed by the Lords of the Committee of Privy Council for Trade, to forward to you, for the information of the directors of the Midland Railway Company, the enclosed copy of the report made by the officer appointed by their Lordships to inquire into the circumstances attending a collision which occurred on the 1st February, on the Midland Railway, near Leicester, between the engine of a ballast train and the engine of a goods train.

My Lords direct me to observe that it is with regret that they have again to call the attention of the directors to a breach of the regulations issued by them for the guidance of their servants, with a view to the safe conduct of the traffic upon their lines.

Such a succession of accidents, mainly attributable to disregard of regulations and defective discipline, cannot but induce upon the minds of their Lordships an impression that the supervision of the railway is very defective. My Lords have on former occasions had to make observations upon this subject, when a series of accidents occurred in 1851, and they cannot therefore but feel that the responsibility of the directors is very great, in not having taken due measures to ensure a proper state of discipline upon their railways.

My Lords also desire me to request that you will bring to the attention of the directors the recommendation in the report, as to the construction of the siding at the ballast pit, where the collision in question took place, and that you will inform their Lordships what steps the directors may think proper to take with reference thereto.

I am, &c.

The Secretary of the Midland Railway Company.

(signed) *J. L. A. Simmons*,
Captain, Royal Engineers.

(No. 455.)

Captain *Wynne*'s REPORT on a Collision on the Midland Railway, near Leicester, on the 1st February, between the Engine of a Ballast Train and the Engine of a Goods Train.

Sir,

12 February 1853.

I HAVE the honour to report to you, for the information of the Lords of the Committee of Privy Council for Trade, the result of my inquiry into the circumstances of a collision that occurred on the main line of the Midland Railway, about three miles from Leicester, between the engine of a ballast train and the engine of a goods train, on the 1st instant.

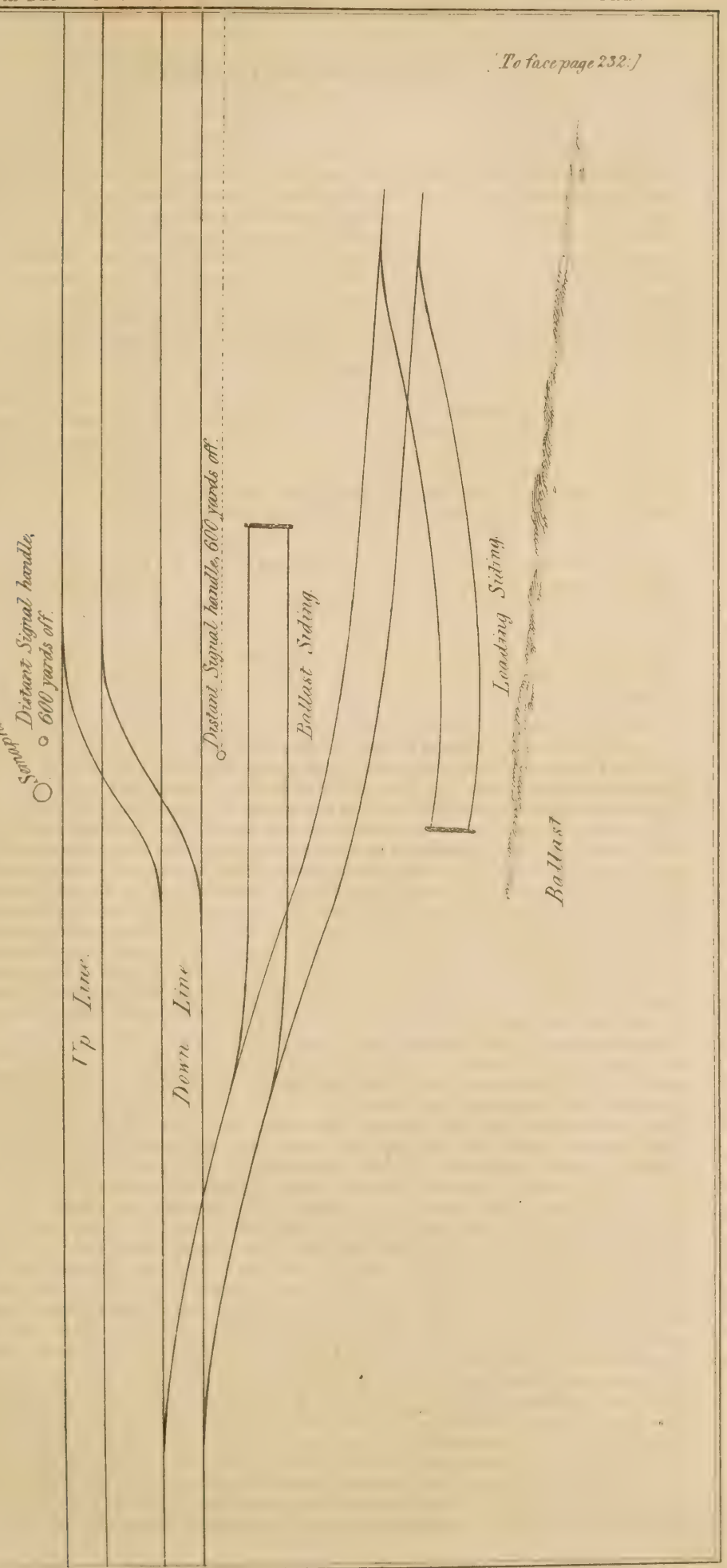
The place where the accident occurred is close to a ballast pit, where the main line is on an embankment, and the line leading from thence to the pit (which is about 100 yards in length), and so steep that the engine cannot bring up more than a couple of loaded wagons at one time. As the wagons are brought up, they are deposited in a siding off the down line; the entrance to this siding (*see* Sketch annexed) is from the line leading to the ballast pit, but the distance of the points of the siding are so near to the points leading into the main line, that in order for the wagons to clear the points of the former, it is necessary that the ballast engine should go on to the main line; this renders an interruption of the traffic necessary every time that a couple of wagons are drawn up from the pit: to protect the main line, there is a semaphore signal at the spot, and distant signals placed 600 yards off, up and down the main line.

On the occasion of the accident, the ballast engine had ascended about half way up the line from the pit, drawing a couple of wagons, when a train was heard approaching, which was supposed to be a down train; the ballast engine was stopped, and the signals turned off, the train passed, and proved to be an up train (I should have observed that there was a very dense fog at the time); the signals were then turned on, and the ballast engine proceeded, and was just entering on the main line, when it was run into by the engine of a down goods train. From the statement of the guard of this train, whose van was the last carriage, it appeared that the distant signal was turned on just as he passed it; and this statement is corroborated by the guard of the up train, who passed the signal-post at the same moment; the signal, therefore, must have stood "all right," when the driver passed it. It appears to me evident that the ballast engine began moving on, as soon as the driver perceived that it was an up train and not a down one, for which the signal had been turned off, and that probably a short interval elapsed after the engine got into motion before the signal was again turned on, whereas safety required that the signal should have been turned on some little time before the engine began to move. Moreover, under the state of the atmosphere, ballasting should not have been permitted, it being contrary to the 13th Rule, p. 76 of the book of Regulations, to ballast in fogs.

Considering the circumstances of the ballast pit, that the egress from it is so steep, that only two wagons can be drawn out of it at one time, there was not much judgment shown in arranging the siding, when the ballast train had to be marshalled in such a manner as to render it necessary to interrupt the traffic of the main line every time that the wagons were drawn from the pit, for besides the inconvenience of the operation, it much increased the danger from collision. Had the line leading to the siding been made to join the main line some short distance farther down than at present, it would have allowed space sufficient between the siding points and the junction points for the wagons to be shunted

[To face page 232.]

Sketch — Collision on Midland Railway.



Nº 246 Ordered, by The House of Commons, to be Printed, 18th March 1853

shunted into the siding without interrupting the traffic, and it would at the same time improve the gradient into the pit. As I understand that there is nothing to prevent such an alteration being made, and it being one which I consider will add much to the future safe working of the line at this spot, I would recommend its being carried out without loss of time.

I am, &c.

Captain Simmons, R. E. (signed) *Geo. Wynne*, Capt. Royal Engineers.

(No. 593.)

Midland Railway, Secretary's Office,
Derby, 12 March 1853.

Sir,

In answer to yours of the 5th of March, I am instructed to inform you that the alterations recommended in Captain Wynne's report of the 12th of February, which I received from you on the 6th of March, were ordered to be made immediately after the accident on the 1st of February. They were delayed some short time by the frost, but have since been completed.

I remain, &c.
(signed) *J. J. Bell*, Secretary.

Captain Simmons, R.E.,
Railway Department, Board of Trade,
Whitehall, Westminster.

MIDLAND RAILWAY COMPANY.

(No. 454.)

Captain *Wynne*'s Report on a Collision which occurred on the Midland Railway, on the 1st February, between a Passenger Train and a Goods Train, at the Manton Sation, on the Syston and Peterborough Line.

Sir, 21 February 1853.

I have the honour to report to you, for the information o the Lords of the Committee of Privy Council for Trade, the following particulars of an accident that occurred on the 1st instant, at the Manton station, on the Syston and Peterborough branch of the Midland Railway, caused by a passenger train running into a goods train.

The goods train due to leave Peterborough at 6.15 A. M., was 10 minutes late in starting; it consisted of 37 trucks; the morning was very foggy, and being frosty, the rails were in consequence slippery, and the train lost time the whole way to Manton, where it arrived at 8.30, 51 minutes late, and just one minute after the passenger train was due from Peterborough. It appears, that being the 1st of the month, an alteration had been made in the time-tables, and that the time of the passenger train starting from Peterborough, was altered from 6.35 A. M. to 7.25; and by this arrangement, the 6.15 goods train, instead of being shunted at Stamford, to allow the passenger train to pass, it was timed to arrive at Leicester 20 minutes in advance of the passenger train; the porter at Stamford told the driver that the passenger train had been put back an hour, which was all the information he had of the alteration. The alteration had not been notified to either the driver or guard of the goods train, nor had the time-tables for the current month been issued; neither of them, therefore, was aware, on arriving at Manton, that the passenger train was due, and the driver, in consequence, proceeded immediately, on reaching Manton, to detach a wagon from the train that was to be left there; the guard had got down, and was proceeding to the head of the train, when he heard a train approaching; he immediately ran back, but had hardly reached the tail of his train when the collision occurred. There was a red tail light on the end of the goods train, and two side lights on the van, which was the last but one in the train. The driver of the passenger train states that he could not see 25 yards ahead at the time of the collision, the fog was so dense; that before he knew of the goods train being ahead, he had shut off steam, because he was approaching the station, and when he perceived the danger, he reversed, and put on steam.

The station master at Luffenham, which is four miles on the Peterborough side of the Manton station, states that the goods train had passed his station 12 minutes in advance of the passenger train; that according to the regulations, he had exhibited the red signal for five minutes, and the caution signal for five minutes more, after it had passed; and that he did not think it necessary to give any caution to the driver of the passenger train.

Though the station master may have acted up to the strict letter of the regulations, I cannot think that he is free from blame, in having allowed the passenger train to leave his station without notifying to the driver that a goods train was but 12 minutes in advance of him; more particularly when the state of the weather and rails is taken into consideration.

There is an order, No. 8, p. 45, in the book of regulations, which directs "the engineman to regulate the working of the engine as accurately as practicable, according to the general time-table." Now it appears that the driver of the goods train had no watch, and that the clocks at the station are inside the offices; so, in this case, even had the time-table of the current month been issued to the driver, he would not have had the means of adhering to the rule I have quoted, nor would he have known that the passenger train was due, on his arriving at the Manton station. The guard is obliged to have a watch; but it must be recollected, that not unfrequently his van is placed at a distance of 200 yards and upwards

Appendix, No. 10.

Midland Railway.

from the head of the train; and to traverse this distance, to communicate with the driver, would occupy some time. In the present instance the engine was detached from the train before the guard had had time to communicate with the driver; and although, under the circumstances, it would have made no difference with respect to the collision, yet I think it shows a necessity that drivers as well as guards should be furnished with time-pieces, if they are to regulate their movements by the time-table.

A grave error was committed in not furnishing their servants with the new time-tables, and from the statements that were made to me, it appears that it occasionally happens that they are not issued for a day or two after the 1st of the month.

Had the guard been furnished with the time-table, he would probably not have allowed the train to pass the Luffenham station, without shunting.

I am, &c.

Captain Simmons, R. E. (signed) *Geo. Wynne*, Capt. R. E.

(No. 294.)

Sir, 4 March 1853.

I AM directed by the Lords, &c., to forward to you, for the information of the directors of the Midland Railway Company, the enclosed copy of the report made by the officer appointed by their Lordships to inquire into the circumstances attending a collision which occurred on the 1st February, at the Manton station, on the Syston and Peterborough branch of the Midland Railway, by a passenger train running into a goods train.

My Lords direct me to request that you will call the attention of the directors to the want of judgment and discretion evinced by the station master at Luffenham, in not warning the driver of the passenger train as to the time which the goods train had preceded his train at that station.

I am also to bring to their especial attention the observations as to the necessity of the drivers of engines, whose duties in connexion with the safety of trains depend very much on an accurate knowledge of time, being furnished with time-pieces, and to observe, that my Lords are decidedly of opinion that the safety of trains is not duly provided for by the company, unless they take care that all their servants, whose duties depend upon a knowledge of time, are furnished with the means of knowing the time, without which they have not the means of performing their duties efficiently.

My Lords also direct me to request that you will bring under the consideration of the directors the observations as to the grave disregard of precaution for the safety of trains in allowing alterations of their times without taking care that such alterations were made known to the drivers and guards of the trains, who are required, in the performance of their duties, to be acquainted with the time of the trains.

On this subject, my Lords direct me to observe that it would conduce both to the safety of trains, and the convenience of the public, if all proposed alterations in the times of the trains were published some days previous to their being put in force. By so doing, the company's servants, engine-drivers, guards, &c., would have an opportunity of studying the time-tables, and making themselves acquainted with them, and their effect upon the trains entrusted to their charge, and the public would be enabled to make their arrangements for travelling without risk of disappointment.

(signed) *J. L. A. Simmons*, Capt. Royal Engineers.

(592.)

Secretary's Office, Derby,

Sir, 12 March 1853.

IN reference to yours of the 4th of March, accompanied by Captain Wynne's report of the 21st of February, of an accident which occurred on the 1st of February, I am instructed to inform you that the station master at Luffenham was fined 10*s.* for his neglecting to inform the driver of the passenger train that a goods train had only left 12 minutes.

With reference to the earlier delivery of the time-bills for the coming months, it is a subject which has received the anxious attention of the directors.

They made such arrangements early in February as they trusted would remedy the evil; and I am glad to say that the working time-tables for the month of March were delivered on the 25th of February.

I remain, &c.

Captain Simmons, R. E., (signed) *J. J. Bell*, Jun.
Railway Department, Board of Trade,
Whitehall, Westminster.

MIDLAND RAILWAY.

(No. 334.)

Captain *Wynne*'s REPORT on the Collision which occurred on the 7th February, at the Burton Station, on the Birmingham and Derby Branch of the Midland Railway, between a Mineral Train belonging to the Midland Railway Company and an Engine belonging to the South Staffordshire Railway Company.

Railway Department, Board of Trade,
18 February 1853.

Sir,

I HAVE the honour to report to you, for the information of the Lords of the Committee of Privy Council for Trade, the result of my inquiries into a collision that occurred at the Burton station, on the Derby and Birmingham branch of the Midland Railway, between a mineral train of the Midland Railway Company and an engine of the South Staffordshire Railway Company, on the 7th instant.

The Burton station is about half a mile on the Derby side of the Leicester and Swannington junction, and the junction of the South Staffordshire Railway is about six miles on the other side of it. The South Staffordshire Railway Company work their mineral traffic over the Midland Railway, between their junction and the Burton station.

On the 7th instant, a mineral train left Derby at 7 P. M., consisting of about 36 waggons of coke and coal, of which 16 were for the South Staffordshire Railway. The train, on arriving at Burton, stopped at the Derby end of the station. The foreman of porters came up to the driver and told him that there was no room for the 16 waggons of the South Staffordshire Company in the sidings at the station, and that he must take them up to the sidings at the Leicester and Swannington junction. The driver accordingly detached these 16 waggons, along with four others which were in front of them, and next to the tender, and proceeded with them to the junction, leaving the remainder of the train standing on the main line. When he reached the sidings at the junction, it turned out that there was no room. The foreman of porters had followed the waggons to the junction on foot; when he arrived there, some altercation took place between him and the pointsman at the junction. The foreman then said he could not stop there with the passenger train from Derby due at Burton, so he signaled the driver to return along the up line. I would here remark, that there was no occasion for him to do so, as there was a crossing close at hand on to the down line.

It was quite dark at the time (8.40 P. M.), and there was no light on the tail waggon. Whilst they were proceeding thus down the wrong line, the South Staffordshire engine, which was to take on these 16 waggons, came out of a siding off the down line at the Burton station, passed over a crossing close by on to the up line, and while proceeding to the junction, came in contact with the waggons, which were being pushed back on that line. The foreman of porters admitted that it was contrary to the regulations for an engine or train to move back on the wrong line, as did likewise the driver, but the latter pleaded that he was acting under the superior orders of the foreman; and they both stated that it was a common practice to do so when a part of the train had been left standing on the main line.

The guard who accompanied the South Staffordshire engine did not appear to think he was under any one's orders at the station. If the foreman gave him no orders, he said that he looked round the yard to see what there was for him to take; and when he was ready he started, if the pointsman at the nearest crossing allowed him to pass. The time that the South Staffordshire engine, with its train, should have started from Burton was 6 P. M.; it was therefore upwards of 2½ hours late. The guard stated that it was impossible to keep any time, though there was a published time-table; and the reason he gave was, that they had a great deal to take up and leave on the road, and that the engine was in very bad repair, the fire-bars constantly dropping out. The engine-driver denied this to be the case, at least with the engine that they had lately been working with; but stated that they could not keep time within five or six hours, owing to the great quantity of work they had to do at the different stations in shunting waggons, being sometimes delayed two hours at a station at that work. An officer of the Staffordshire Company, who was present, admitted that the engine generally employed on the line was not in good repair, which he accounted for by saying that the locomotive power was supplied by the London and North Western Company, and that the stock of that company was at present rather short.

There is much, in my opinion, which calls for remark in the mode in which the traffic is conducted at the Burton station. The practice of allowing mineral trains to stand for any length of time on a main line is extremely objectionable. With the engine detached, and working at a distance, it becomes still more objectionable. It has been a constant source of accident, and no system of signals, however well organised, justifies the practice. It is contrary to the Midland Company's rules and regulations to allow engines, with or without waggons attached, to move in the wrong direction over a line, except under very peculiar circumstances, and then with additional precaution. At the Burton station, it appears not to have been an uncommon practice for engines to move back from the Leicester and Swannington junction on the up line without apparent necessity; and when it was done, there was an absence of the most ordinary precaution, as, in the present instance, the tail waggon carried no light. The foreman of porters seems to exercise a very inefficient control over the trains that leave the station. No train, in my opinion, should be started without leave from the person in charge; and it is evident, with an up mineral train standing in the station, that the South Staffordshire engine should not have been allowed to go out;

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Midland Railway.

out; and the conduct of the foreman, in leaving the station to proceed half a mile up the line, when his presence could not have been a matter of any importance, at a time when the main line was blocked, and a passenger train close, appears to me to have been very reprehensible. Not only was there great danger in pushing back the train on the wrong line, but there was nearly as great danger in allowing it to proceed up to the junction without a tail lamp; for had the South Staffordshire engine left the siding somewhat earlier than it did, it was not impossible but that it might have overtaken the engine and waggons and run into them, as they had no tail light.

The originating cause of the accident may be traced to the inadequacy of the station accommodation at Burton to meet the demands of the traffic; for it appears that the station sidings being full, the body of the train had to be left standing on the main line, while a portion of it, with the engine, was despatched to seek accommodation at distant sidings, which likewise proved to be full. Had the detached portion succeeded in rejoining the part left at the station, the whole train would then require to have been removed to the other line to make way for the up-passenger train then due; and it is impossible to say what time would have been consumed in finding accommodation for the waggons that were to be left, and while this was going on the main lines would be obstructed, than which nothing could be more objectionable. I would remark that a fatal accident at Nottingham, on the Midland line, was caused, in 1851, by using the main line for the formation of a train; and on that occasion the Lords of the Committee of Privy Council for Trade called the attention of the directors of the company to the practice as being very objectionable. I would recommend the attention of the company being again called to the subject, as I think the circumstances of the Burton station are of a much more serious character; and means should be taken immediately to increase the station accommodation, and at the same time to enforce better discipline amongst the servants.

Before concluding, I would notice the circumstance of the South Staffordshire Company publishing time-tables which, from the statements of their servants, it appears to be impossible for them even remotely to adhere to.

What object the company can have in issuing orders that cannot be obeyed, I do not understand; but it is easy to perceive that its tendency must be bad, by inducing among their servants a general disregard of orders.

As the driver of the coal train accounted for his not adhering to the time-table by saying that his engine was employed shunting waggons at the stations, which, at some of them, occupied him as much as two hours at a time, when he should have been proceeding on his journey, I think the attention of the company should be called to this circumstance. It appears to me extremely objectionable, that the regularity of the traffic should be interrupted by withdrawing the engines of regularly-appointed trains to a service which should be kept altogether distinct.

If the shunting is as great as the engine driver stated it to be, a separate engine should be kept for this particular service.

I have, &c.

Captain Simmons, R. E. (signed) *Geo. Wynne*, Captain R. E.

P. S.—Since sending in my report, I have received from the manager of the South Staffordshire Railway copies of a correspondence which has taken place between him and the manager of the Midland Railway, and which copies I annex. The only thing I have to add to the remarks I have already made on the subject of this correspondence is, that I do not acquit the guard of the South Staffordshire train of blame; for however carelessly the duties of the Burton station may have been conducted, he must have known that the pointsman was not a proper authority on which to start a train. The foreman was the person in charge of the yard, and he was necessarily the person to regulate the departure of everything that left it. The amount of culpability is a different question.

19 February. (signed) *G. W.*

MIDLAND RAILWAY.

General Manager's Office, Derby,
16 February 1853.

Dear Sir,

I HAVE been directed to call the attention of yourself to the misconduct of your guard on the occasion of the recent collision at Burton, in respect to his leaving the station without authority; a practice, I am quite sure, you will equally condemn with myself.

As we shall have Captain Wynne's report, I say no more on the subject at present.

Yours, &c.

J. D. Payne, Esq.
South Staffordshire Railway, Walsall.

(signed) *Joseph Sanders.*

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Midland Railway.

EXTRACT from the Minutes of the Officers' Committee of the Midland Railway, at their Meeting held at Derby, 14 February 1853.

James Woodings, shunter at the Burton station, was discharged the company's service for shunting a train there on the 7th instant in so negligent a manner that he came into collision with a South Stafford train coming out of a siding, and several waggons were broken.

It appeared in the course of the inquiry, that the guard of the South Stafford train had come out of the siding without any directions from the shunter to that effect; and the general manager was requested to report that fact to the directors of the South Stafford Company.

(signed) *J. F. Bell*, Chairman,

SOUTH STAFFORDSHIRE RAILWAY.

General Manager's Office, Walsall,
18 February 1853.

Dear Sir,

I AM in receipt of your letter of 16th (G. 937) on the subject of the Burton accident, together with the extract from the minutes of the officers of the Midland Railway at Derby, on the 14th. I had not the advantage of being present at the inquiry which took place before you, and therefore am perfectly at a loss how such a conclusion as that contained in your letter could be arrived at. I was present during the investigation which took place before the Government inspector at Burton (which was as complete and as comprehensive as it could be) and I have not the slightest doubt that the result of the decision of the Board of Trade will be at variance with the one you have arrived at from the investigation at Derby.

It would be necessary, to sustain your conclusion, to point out what regulation our guard had disobeyed, or what instructions he had neglected. If an obedience to signals on the part of both guard and driver, and most cautious and unusual inquiries on the part of the guard, for the purposes of ascertaining the safety of proceeding to their business, could lead to the conclusion at which you have arrived, then your censure might have been deserved.

I went to Burton with a desire to find out the slightest fault that could be complained of on the part of the servants of this company, and with the intention of making an example for the general objects of protection and safety; but I should do violence to my own feelings if I did not, under the actual circumstances, protect them from unnecessary blame; nor do I think that your sharing the blame between the two companies will in the slightest degree mitigate the real faults committed.

I am in justice bound to say that, had you been present at the inquiry at Burton, I think you would have arrived at a different conclusion. It is necessary to state that we have no jurisdiction whatever in Burton station, our servants being entirely under your control.

I remain, &c.
(signed) *J. D. Payne.*

Joseph Sanders, Esq.
General Manager, Midland Railway, Derby.

(No. 313.)

Sir,

5 March 1853.

I AM directed by the Lords, &c., to forward to you, for the information of the directors of the Midland Railway Company, the enclosed copy of the report made by the officer appointed by their Lordships to inquire into the circumstances attending a collision which occurred on the Midland Railway, at the Burton station, on the 7th February, a coal train, belonging to the Midland Railway Company, having come in contact with an engine in the service of the lessee of the South Staffordshire Railway.

334.

My Lords direct me to request that you call the attention of the directors to the misconduct of their officers and servants at the Burton station on the occasion of the accident in question, in acting contrary to the regulations issued by the directors for the guidance of their servants, with a view to the safe conduct of their traffic.

My Lords direct me to observe, that it appears from the report that this neglect of regulations at the Burton station has been habitual, and that therefore it may be inferred that the general supervision of the line is not such as to insure a proper discipline among the servants of the company.

This is also shown by the conduct of the engine-driver and guard of the South Staffordshire train.

I am also to urge upon the attention of the directors the observations in the report as to the deficiency in the siding accommodation at Burton; and to express the opinion of their Lordships that it is essential for the safety of trains that every possible facility should be given, so that the main lines upon which the traffic is conducted may be kept free from incumbrance.

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My Lords desire me to observe, that a very great responsibility rests upon the directors if they do not take the necessary measures to supply this deficiency in accommodation, at all points when, from the increase of traffic or other causes, it may have become necessary; and they trust that the directors will lose no time in relieving themselves, as far as possible, from this responsibility, and in taking efficient measures for ensuring proper discipline and observance of regulations among their servants.

My Lords direct me to add, that they desire to urge strongly upon the directors the necessity of maintaining, as far as possible, strict punctuality with all the trains upon their lines of railway; and with this view I am to call their attention to the observations in the report as to the detentions, sometimes amounting to two hours, caused by the engines which are attached to trains being required to perform shunting operations at stations.

My Lords do not think it necessary to enlarge upon the subject of the punctuality of trains, as it has been already brought to the attention of the directors in previous communications, as one in which the safety of trains is greatly involved.

My Lords desire me, in conclusion, to state that they have directed a communication to be made to the lessee of the South Staffordshire Railway Company on the subject of the unpunctuality of their trains, and also to the London and North Western Company with reference to the alleged deficiency of engine power.

(signed) *J. L. A. Simmons,*
Capt. Royal Engineers.

The Secretary of the
Midland Railway Company.

(No. 315.)

Sir, 5 March 1853.

Extract 334.

I AM directed by the Lords, &c., to forward to you the enclosed extract from the report made by the officer appointed by their Lordships to inquire into the circumstances attending a collision which occurred on the Midland Railway, at the Burton station, on the 7th February, between a coal train belonging to the Midland Railway Company and an engine in your service.

My Lords direct me to request that you will give your serious attention to the observations contained in these extracts relative to the want of punctuality in the trains upon the South Staffordshire Railway, and to observe, that irregularity in the running of trains is always a source of much risk to trains, and that this must more particularly be the case when the trains of one company pass over the lines of another.

My Lords desire me to express their hope that you will use every means in your power in order to produce regularity with all the trains upon the railway leased by you; and, as being closely related to this question, I am desired to call your especial attention to the observations as to the detentions caused by the engines which are attached to trains being required to perform shunting operations at stations.

(signed) *J. L. A. Simmons,*
Capt. Royal Engineers.

The Lessee of the
South Staffordshire Railway.

(No. 312.)

Sir, 5 March 1853.

I AM directed to forward to you, for the information of the directors of the London and North Western Railway Company, the enclosed extract from the report made by the officer appointed by their Lordships to inquire into the circumstances attending a collision, which occurred on the Midland Railway at the Burton station on the 7th February, a coal train belonging to the Midland Railway Company having come into contact with an engine in the service of the lessee of the South Staffordshire Railway.

Extract 334.

My Lords desire me to state that they will be glad to receive any observations the Company may desire to make, with reference to this statement of one of the officers of the South Staffordshire Company.

(signed) *J. L. A. Simmons,*
Capt. Royal Engineers.

The Secretary of the
London and North Western Railway Company.

(No. 528.)

London and North Western Railway,
General Manager's Office, Euston Station, 7 March 1853.

Sir,

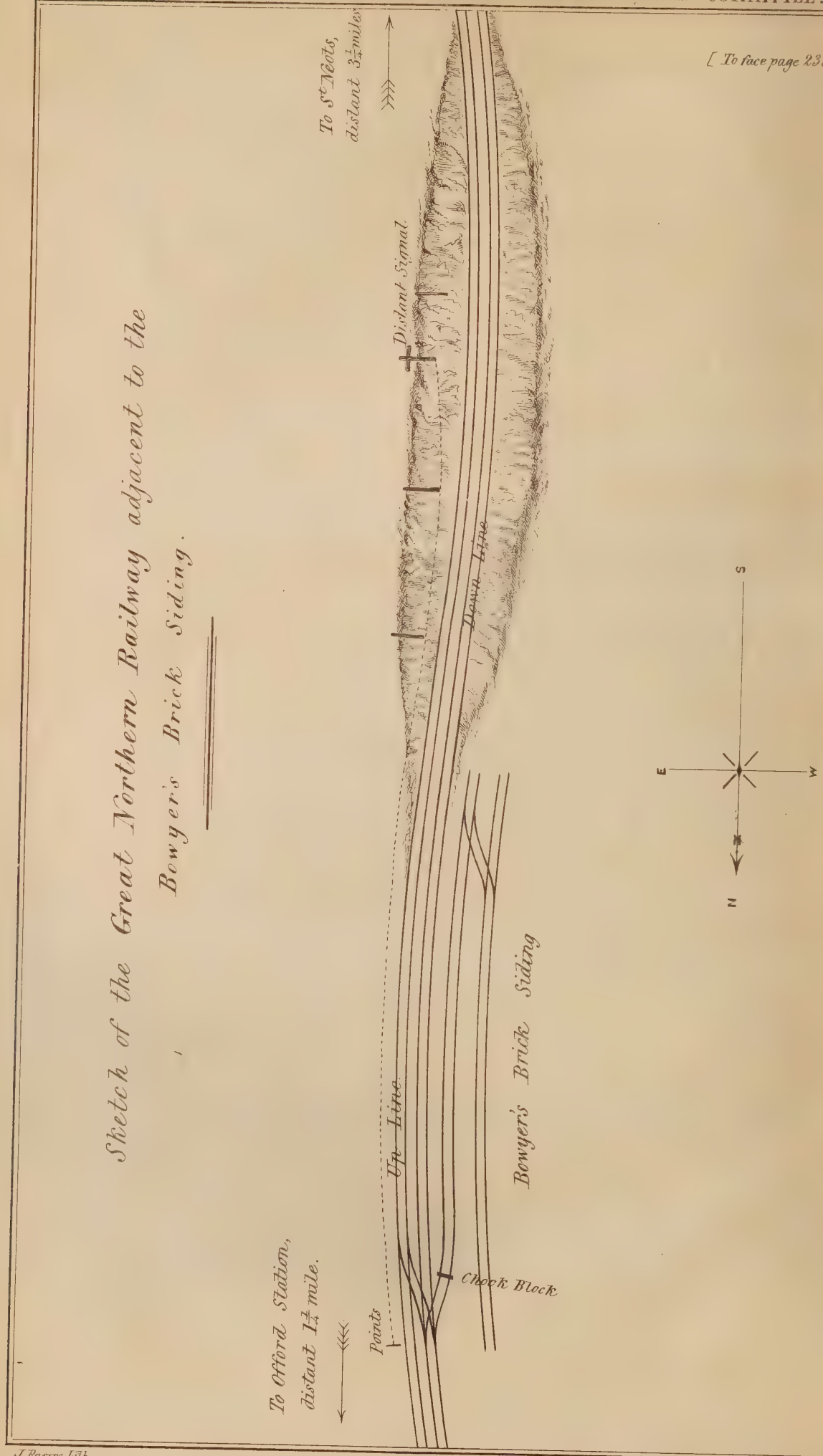
I AM directed to acknowledge the receipt of your letter of the 5th inst., enclosing an extract from the evidence of a South Staffordshire Company's officer, respecting an accident on the Midland Railway. It does not appear to my directors that this Company is in any way affected by the remark you allude to, nor can they hold themselves responsible for any observations that may be made by officers of other companies.

I am, &c.
(signed) *Mark Huish.*

Captain Simmons, R.E., Railway Department.

[To face page 239.]

Sketch of the Great Northern Railway adjacent to the Bowyer's Brick Siding.



J. Basire Lith.

N° 246. Ordered, by The House of Commons, to be Printed, 18th March, 1853.

GREAT NORTHERN RAILWAY COMPANY.

419.

Sir, 28 February 1853.

I AM directed by the Lords, &c., to transmit to you for the information of the directors of the Great Northern Railway Company, a copy of the report which has been made to them by the officer appointed to inquire into the circumstances which attended the accident that occurred at the Bowyer's Brick siding, on the 9th instant.

My Lords direct me to request that you will call the especial attention of the directors to the observations in that report upon the want of punctuality of the trains upon the Great Northern Railway, and to observe that their Lordships are of opinion that it is essential for the safety of the traffic upon railways that the utmost attainable degree of punctuality should be maintained, both with regard to goods and passenger trains, where both descriptions of traffic are worked over the same line; and my Lords entirely concur with the opinion of their officer, that there appears to be no reason why the time fixed for the departure of a train from a terminal station should not be adhered to, and they trust that the directors will take the necessary measures to ensure a greater degree of punctuality in the working of the trains over their lines.

My Lords also desire me to request that you will bring under the consideration of the directors the observations in the report as to the position of the signal erected to protect trains on the line at the Bowyer's Brick siding.

(signed) *J. L. A. Simmons,*
Captain Royal Engineers.

The Secretary of the
Great Northern Railway Company.

(No. 419.)

Captain *Galton*'s REPORT on the Collision at the Boyer Brick Siding, on the Great Northern Railway, on the 9th inst., between a Coal Train and a Goods Train.

Sir, 21 February 1853.

I HAVE the honour to inform you that I have inquired into the circumstances which attended the accident which occurred on the Great Northern Railway, on the 9th inst., from a collision between a coal train and a goods train, at Bowyer Brick siding, at about 1¼ mile south of the Offord Station.

The annexed Sketch will serve to show the position of the siding in question. It will be observed that the siding is connected with the down line, but that there is a cross-over road from the up line to the down line at this point. I was, however, informed that to avoid shunting and detention upon the main line, it has never been customary to use this cross-over road, but that all waggons arriving from the north for this siding are sent to the St. Neots station, and returned by a down train to the siding; waggons for the south being sent on to Huntingdon. The siding is kept locked, and the key is in charge of the Offord station-master. There is a signal, situated at from 360 to 400 yards from the points entering the siding, which is worked by a wire from the points. The line immediately south of the siding is in a cutting, and the signal stands on the east side of the cutting, near the top of the bank. It is visible for a considerable distance; but in consequence of the telegraph posts being placed along the bank on the same side (which, although black, are of about the same height), there appeared to me to be difficulty in distinguishing the signal-post until nearer to it than is desirable.

The following is the account of the accident: On the 9th instant, the goods train timed to leave London at 10.20 A.M., started at 11.15 A.M. This train is termed the "pick-up" train; and although a time is named in the time-table for it to pass every station, it only stops where required. On the day of the accident, it passed the St. Neots station at 3.40, but did not stop there, and it reached the siding at 3.45 P.M.: 16 waggons had to be left there, and 6 waggons to be taken on. The waggons had been taken out of the siding, and the engine was backing in with the others, when the driver saw the coal train approaching at such a speed as to show that the signal had not been observed; the driver of the goods train sounded his whistle, but the attempts which were then made by those in charge of the coal train to stop were not sufficient to avert the collision, which took place at 3.53. The coal train left Hornsey at 12.3, instead of at 11.45 A.M., which is its proper time, and it appears to have lost time on the road. It stopped at five or six stations, but did not stop at St. Neots. It appears to have passed this station very nearly 10 minutes after the passage of the goods train, and it would appear that the caution signal was displayed at the station signal. It is stated that a snow storm was beating in the driver's face at the time of the accident.

The primary cause of this accident appears to have been the unpunctuality of the trains. With respect to this, it was stated that the goods train was frequently late; because if it was not ready to leave London exactly at its time, viz., 10.20, it was detained till after the departure of the fast passenger train at 11 A.M.; and the guard also stated that hardly sufficient time was allowed for the train between London and Hitchin, and too much between Hitchin and Peterborough. There does not appear to be any reason why the time fixed for a train to leave a terminal station should not be adhered to; and the guard's report of the time of arrival of a train at every station at which it stops, affords a ready

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means of enabling the time-bills to be altered, if the time allotted to the performance of different parts of the journey appears to be either insufficient or in excess.

In the second place, the accident was caused by the neglect of signals by the engine-driver of the coal train. From the man's own statement, he appears to have been engaged in attending to some part of the machinery, and the fireman was heaping on coals as they approached the siding. It might, perhaps, be urged, in extenuation of his neglect, that the man, not being in the habit of seeing this siding used, had become accustomed to pay little more attention to it than he would pay to any other part of the line between stations; and as this is probably the case, it would appear most desirable that the signals at sidings, which are used only occasionally, should be in as prominent and striking a position as possible. In order to obviate the possibility of an accident of a similar nature again occurring at this siding, the directors of the Great Northern Railway Company have issued an order, a copy of which I have appended to this report, requiring that every train which has to stop at this siding shall be stopped at St. Neots, and notice be given to the station-master there, who is to warn all trains following within 30 minutes.

I have, &c.
(signed) *Douglas Galton*,
Captain Royal Engineers.

The Secretary of the Railway Department,
Board of Trade.

OFFORD SIDINGS.—(BOWYER'S.)

Great Northern Railway, Superintendent's Office, London,
King's Cross, 16 February 1853.

THE general manager has ordered that the following regulations be observed in working the above-named sidings:

All trucks going "Southwards" from the siding at Offord, must go on the down line to Huntingdon by a down train, and then be attached to an up train.

All trucks from the north to be left at Offord sidings, must be run to St. Neots, there crossed over, and taken by a down train to the sidings.

No up train may call at Offord sidings.

No down train may stop at Offord sidings, unless it stops at St. Neots as it passes that station, to give notice that it is to stop at Offord sidings.

No train following a train that is to stop at the Offord sidings may pass St. Neots station, if within 30 minutes, without being stopped to be told that the preceding train was stopping at the Offord sidings.

John Denniston.

GREAT NORTHERN RAILWAY.

628.

Sir, 18 March 1853.

I AM directed by the Lords, &c. to transmit to you, for the information of the directors of the Great Northern Railway Company, a copy of a report which has been received from the officer appointed to inquire into the circumstances attending a collision which occurred at the Little Bytham station on the 26th ultimo.

My Lords regret to have again to observe upon the want of punctuality of the trains on the Great Northern Railway, and especially of the coal train, the unpunctuality of which appears to be altogether inexcusable, as it was principally caused by its starting late from the terminal station from which it took its original departure.

My Lords direct me to observe, that they are of opinion that a very great responsibility attaches to the directors if their utmost endeavours are not used to enforce a strict accordance between the time-tables issued by the company and the actual times at which the trains traverse their railways; and with this view my Lords desire me to express their hope that the directors will take into their consideration the recommendations of their officer, as to the registration of the times of the trains at signal stations, and as to the additions in the time-tables issued to their servants, of the times of transit of the trains at stations intermediate to those at whice the trains are required to stop.

I am also to request you to bring to the attention of the directors the observations in the report as to the conduct of the driver of the coal trains, and the porter in charge of the signals at Little Bytham.

(signed) *J. L. A. Simmons*,
Captain Royal Engineers.

The Secretary of the
Great Northern Railway Company.

(No. 628.)

Captain *Galton* reporting his Inquiry into the Circumstances which attended a Collision, on the 26th February, at the Little Bytham Station of the Great Northern Railway, between a Passenger Train and a Coal Train.

Sir, 12 March 1853.

I HAVE the honour to report to you, for the information of the Lords of the Committee of Privy Council for Trade, that I have inquired into the circumstances which attended

tended the accident which occurred at the Little Bytham station of the Great Northern Railway on the 26th ultimo, from a collision between a passenger train and a coal train.

The Little Bytham station is situated between Grantham and Peterborough, at about 13 miles from the former, and 16 miles from the latter station. There are two other stations between Grantham and Little Bytham; viz., Great Ponton, which is 10 miles from Little Bytham, and Corby, which is 5 miles from it. The line from beyond Corby is inclined down towards Little Bytham, at an inclination of about 1 in 200.

The Little Bytham station is protected by distant signals. The distance of the distant signal from the station in the direction of Grantham is 670 yards, and the distant signal can be seen for a further distance of 848 yards, making a total of 1,518 yards from the station. And inasmuch as the line from the station is nearly straight, and chiefly on an embankment, the station signal itself can be seen for a considerable portion of this distance.

It appears that for a few days before the 26th ultimo, in consequence of some alteration of station or siding arrangements, the position of the distant signal had been altered; and while this alteration was in progress, the place of the distant signal was supplied by a man with a hand signal. On the morning of the accident, however, the distant signal being again in working order, the man had been removed, and the signal porter informed that he was again to work the distant signal.

The coal train, which is timed to leave Doncaster at 11.30 A.M., left on the 26th at 11.55. This train runs from Doncaster to Peterborough, and in the printed time-table is marked to stop at every station; but each day on leaving Doncaster, the guard receives a road-bill from the foreman of the mineral department, specifying the stations at which it will actually be required to stop. When this train is worked to its proper time, it is not required to shunt, to make way for passenger trains, any where between Doncaster and Peterborough.

The following are the stations at which the train stopped on the 26th ultimo, and the time mentioned in the printed time-table, together with the times of its arrival and departure, as stated in the guard's report.

	Time specified in Printed Time Table.	TIMES OF	
		Arrival.	Departure.
Doncaster	11.30 A.M.	- - -	11.55 A.M.
Rossington	11.50 „	12.10 P.M.	12.15 P.M.
Bawtry	12. 5 P.M.	12.35 „	12.40 „
Ranskill	12.20 „	12.45 „	12.50 „
Retford	12.50 arrival.	1. 5 „	1.20 „
Newark	1.50 P.M.	2.10 „	2.25 „
Grantham	2.35 „	3. 5 „	3.15 „
Great Ponton	2.50 „	3.20 „	3.58 „

At this station the coal train was shunted, as the 12.20 passenger train from York was due to pass at about 3.37. I have to observe that the time of arrival of the coal train, as registered in the book kept at Great Ponton station, is 3.30, and the time of departure 4.4 The progress of the passenger train was as follows:—

	SPECIFIED TIME.	ACTUAL TIME OF	
		Arrival.	Departure.
York	12.20	- - -	12.20
Milford Junction	1.	12.53	1. 0
Knottingley	1.10 arrival 1.15 departure	1.10	1.25
Doncaster	1.45 arrival 1.50 departure	1.53	1.57
Retford	2.20 arrival 2.25 departure	2.27	2.32
Newark	3.0	3. 5	3.15
Grantham	3.30	3.48	3.52
Little Bytham	3.50	4.12	—

This train also stopped at Corby station, which was not noted by the guard, as it is a stoppage only on Saturdays for market people. It appears to have arrived there at four o'clock, and remained one minute.

The entry of the arrival of the passenger train in the book kept at Little Bytham station is 4.15.

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Upon the arrival of this train the signal porter put up the station signal, but forgot the distant signal.

After the train had stood a sufficient time for the under guard to get the luggage out of his van, the engine-driver says nearly two minutes, the coal train was seen approaching. This latter train left Great Ponton, with five waggons and a break in rear, four or five minutes after the passage of the passenger train. The driver of the coal train states that at Corby the distant signal and the station signal were both at danger as he approached the station; and that on his sounding his whistle the semaphore arm was lowered into the post. The signal porter at Corby, on the other hand (and his evidence is corroborated by that of the goods clerk there), states that both signals were at danger when the coal train approached, but that the driver ran past the distant signal, and slackened at about 100 yards from the platform; and the signal porter, on looking at his watch, and finding that the passenger train had been gone six minutes, lowered his station signal to caution, and pointed to the signal as the driver passed.

The driver of the coal train then states, that on approaching Little Bytham station he found that there was no signal exhibited at the distant signal post, and that the station signal was only put up after he had passed the distant signal post, and that he then was not able to pull up in time to avoid a collision with the passenger train. From the other evidence, there is no doubt that the station signal was exhibited before the coal train came in sight.

The entry of the arrival of the coal train at Little Bytham station is stated be 4.16.

There appears to have been some discrepancy between the timepieces of the guards of the respective trains and the station clocks. The passenger train is stated to have left Grantham at 3.52, it which case it could not have passed Great Ponton before 3.56 or 3.57; and this is not compatible with the statement of the guard of the coal train, that the coal train remained at Great Ponton for nearly five minutes after the passenger train, and left at 3.58. But it agrees with the time of departure of the coal train as registered at Great Ponton station, viz., 4.4.

I would also observe, that the guard of the passenger train gives the time of arrival of that train at Little Bytham station as 4.12, whilst the signal porter has entered it as 4.15.

I am desirous of calling attention to this subject, because if a line is worked to carefully regulated time-tables, as appears to be the case with the Great Northern Railway, a difference in the times exhibited by the timepieces used by the company's servants may become an important element of danger.

Upon a review of the evidence, it appears to me that since the passenger train must have passed Great Ponton at somewhere between 3.56 and 3.59, and reached Corby at a little after 4 o'clock, and that since the coal train remained at Great Ponton for nearly five minutes after the passage of the passenger train, and passed Corby six minutes after it, therefore the coal train must in reality have left Great Ponton between 4.1 and 4.4; and as it arrived at Little Bytham at 4.16, it must have travelled the distance between those stations, which is 10 miles, in from 12 to 15 minutes; which is between 40 and 50 miles per hour, and a speed considerably greater than that allowed by the time table. It also appears to me that the engine driver neglected to observe properly the signals which were exhibited at Corby. For these reasons he deserves severe censure, as he must have been perfectly well aware that the passenger train was in front of him. But with respect to the signals at Little Bytham station, I do not think he is very much to be blamed; because, as almost every station on the Great Northern Railway is furnished with distant signals, which are worked as regularly as the station signals, the non-exhibition of a signal at the distant signal post must have acted as an assurance to him that the line was clear; and it is probable that he would not observe the station signal until he had approached very near to the distant signal. For the neglect of having omitted to display this signal, the signal porter at Little Bytham is very much to be blamed.

I have to observe that this accident would not have occurred had the trains been punctual, and that the unpunctuality of the coal train appears to have been caused by the delay in starting from Doncaster, which is a terminal station, and one therefore at which there does not appear to be any reason for unpunctuality.

It appears that, on the Great Northern Railway, the signal porters enter in a book the times at which all trains arrive at and depart from the several stations at which they stop. It is however the custom on some lines for the signal porters to enter the times at which every train passes a station, whether it stops there or not; and I am desirous of recommending this arrangement to the consideration of the directors of the Great Northern Railway Company, as it both affords a means of tracing the progress of a train, and also tends to induce a spirit of exactness and punctuality in the station attendants.

I would also remark, that on some railways it is the custom to insert on the time-tables, which are supplied to the company's servants, the time in italics at which the trains are due to pass those stations at which they do not stop; and I am desirous that this arrangement also should receive the consideration of the directors of the Great Northern Railway Company.

I have, &c.
(signed) *Douglas Galton*,
Capt. Royal Engineers.

The Secretary of the Railway Department,
Board of Trade.

(471.)

The Great Northern Railway.
Secretary's Office, King's Cross Station, London,
3 March 1853.

Sir,

I HAVE to acknowledge the receipt of your letter of the 28th ultimo, with its enclosure, which shall have attention.

I have, &c.
(signed) *J. R. Mowatt*,
Secretary.

Captain Simmons, R. E.,
Secretary Railway Department,
Board of Trade.

Appendix, No. 11.

OBSERVATIONS upon the SUPPLEMENTAL EVIDENCE given by *Robert Stephenson*, Esq., M. P., before the Select Committee on Railway and Canal Bills, on the 18th March 1853.

WITH reference to question and answer (No. 2631), the Minutes taken by the shorthand writer of the House of Lords, of the proceedings of the Committee on the Great Western Bill for purchasing the Birmingham and Oxford Railway, on the 21st July 1848, are transcribed and sent herewith, as the only authentic record of what passed in relation to the clause obtained for running powers over that railway by the London and North Western Railway Company.

The clause, as it previously existed, for keeping both gauges open (inserted by the Committee of the House of Commons), is appended to these Minutes; as well as the clause with running powers, after it was so framed upon the application of Mr. Talbot and Mr. Laing, counsel for the London and North Western and Buckinghamshire Railway Companies; resisted by Mr. Burke, counsel for the Great Western Company.

The clause conferring those running powers was accompanied by a compulsory clause (No. 17, in the Act) submitted at the same time, and by the same counsel, requiring the company to make a junction with the London and North Western Railway in the town of Birmingham; which was supported before that Committee, as the Minutes show, by the personal explanation of Mr. Stephenson himself, while objected to by Mr. Burke, on behalf of the Great Western Company. It was by means of that compulsory junction the rights of the London and North Western Company were acquired, under the terms of the clause 16, to run over the Birmingham and Oxford line, all the way from Birmingham to Banbury, with their own engines and carriages; the opponents to the Bill having so framed the words of the clause as to avoid introducing specifically, *eo nomine*, "The London and North Western Railway Company."

It is superfluous to add, that several persons besides myself were present during the whole transaction, who recollect, and can confirm, the accuracy of the shorthand writer's notes of the Committee.

Mr. Stephenson had been examined by the same Committee in the House of Lords, on the previous day, at very great length, against the Bill, in order to prove the danger of the mixed gauge and the impracticability of using it for railway traffic.

After the preamble had been proved, the clauses in question, Nos. 16 and 17, were forced upon the promoters. Mr. Stephenson must therefore have been misinformed, after giving the former evidence, in the correction of it, as now tendered by him; inasmuch as the Minutes of the Lords Committee prove that his first recollection of the transaction was substantially more accurate.

In reference to the subsequent question and answer (No. 2632), Mr. Stephenson has ignored or forgotten to mention that the line of mixed gauge between Cheltenham and Gloucester has been opened since the 23d October 1847, and used daily for more than five years by both the Great Western and the Midland Railway Companies, with numerous trains on each gauge, and hitherto without accident.

Chas. A. Saunders.

Paddington Station, 23 March 1853.

MINUTES of EVIDENCE taken before the Select Committee of the House of Lords, to whom is referred the Bill, intituled "Great Western (Birmingham and Oxford Junction, &c., Railways Purchase) Bill."

Die Veneris, 21° *Julii* 1848.

The Earl of BURLINGTON in the Chair.

THE Chairman states that the Committee have determined that the preamble of the Bill is proved, and that they have altered clause 16 (see clause appended) which the Committee clerk reads; and further, that the Committee are quite willing to make any necessary alterations in the working of the clause 16, but that its present scope will be retained.

Appendix, No. 11.

Mr. Talbot (counsel for the London and North Western and the Buckinghamshire Railway Companies) proposes to tender a clause for the protection of his clients.

Mr. Burke (counsel for the Great Western Railway Company) objects, that it being the practice to tender all clauses before the conclusion of the case, it is now too late to offer any further clause to the Committee.

Mr. Talbot contends that the contrary practice frequently obtains in Committees of their Lordships' House; and that inasmuch as he was not in reality opposing the preamble of the Bill, it was not until this moment that he could, strictly speaking, present his clause to the Committee.

Mr. Burke is heard in reply.

The Chairman states that the Committee have decided not to receive the clause proposed to be submitted by Mr. Talbot, but that they are ready to consider any alterations in clause 16 which may be proposed, the object being to give efficient protection to all parties.

Mr. Talbot states that he cannot at once be prepared to offer the alterations he should suggest, but asks for an adjournment of half-an-hour to consider the point.

Mr. Burke requests that the Committee will define to what extent they will permit alterations to be made. He is quite ready to give adequate protection to any parties using the narrow gauge, but must object to any interference with the tolls, or the entire right of control which the Great Western Company at present possess.

The Chairman states that the Committee are of opinion that Mr. Talbot should propose such amendments as he thinks proper in the clause, deviating as little as possible from the present scope and words thereof.

(The Committee adjourned for half an hour.)

Upon re-assembling,

Mr. Laing (counsel with Mr. Talbot, for the Buckinghamshire Railway Company) states that they have made a few alterations, simply with the view of carrying out effectually the intention of the Committee for giving full protection to the Buckinghamshire Company (*reading the clause*). *The object of the alterations is to give running clauses to the Buckinghamshire Railway over the narrow gauge rails, so that they might run over with their own engines and carriages*, as it has been stated by Mr. Brunel that it would not be the interest of the Great Western to keep the narrow gauge stock; that in order to prevent any doubt upon the words "terms and conditions," they have added the words "tolls and charges," it being absolutely necessary that there should be the power given to the Railway Commissioners to fix the tolls, inasmuch as the maximum tolls would amount to a complete bar if they were enforced. *He therefore proposes that the Buckinghamshire Company shall have the right of using the line*, the Great Western Company retaining power to make bye-laws, leaving to the Railway Commissioners the right to determine the terms, and to adjudicate upon any disputes. He also proposes, inasmuch as the Committee has recognised the vested right in the Buckinghamshire Company to use the line, that in case the system of mixed gauges shall fail, then that either the broad gauge shall be taken up, under a resolution of the Railway Board, or else that there shall be another appeal to Parliament. The only other addition to the clause being to this effect, that inasmuch as by existing Acts, there is a gap between the lines at Leamington, and by this Bill there is no provision made for, or junction, there shall be some provision made for getting off the line at Birmingham, where the narrow gauge system converges. That communication formed part of the original Bill sanctioned by Parliament. He proposes, therefore, that the Great Western shall not use the additional gauge, until the line of the Birmingham and Oxford, as communicating with the Birmingham station at Birmingham, shall have been opened. (*He hands in the clause.*)

Mr. Burke objects to a running clause being given to the London and North Western, which that company do not give to any company running on their line; as in the case, for instance, of the Midland Railway. It is not likely that the Great Western Company will incur the cost of laying down the narrow gauge, and then prevent parties from coming upon it. They are ready to give every possible facility, secured by clauses, for parties coming upon the line of the narrow gauge, that has been provided for by the clauses already prepared by the promoters. If they should fail to give those facilities, there is the power of appealing to the Board of Trade, who might then interfere to obtain proper accommodation for the narrow gauge traffic. He objects to the power which the Great Western Company possess, of perfect control over their own line being interfered with by clauses conveying away that power to another company. In 1846, when the Bill was passed with a clause providing that the line should be given to the Great Western Company, to be worked by them, the London and North Western proposed similar clauses, which were rejected. The parties are now actually asking to entail the tolls.

Mr. Talbot states, that what they ask is, that the Great Western shall charge them the same as they charge other parties.

Mr. Burke submits that Parliament has, as a condition of the Great Western possessing the line, reduced the tolls, and therefore they have the right to take the maximum if they like.

like. The power ought not to be given to the Board of Trade to lower the tolls. The Buckinghamshire Company have no right to claim to run upon less tolls than other parties. The Committee have intimated that the amendments are to be confined to the scope of the clause in its original shape; the alterations now proposed go far beyond that; interfering with the tolls, which is absolutely new matter altogether. As to the proposal for a further litigation of the question on the subject of the gauges, the promoters had hoped, after all the contests which have taken place, that this was to be a settlement of the question. As to the junction, that question is met by the next Bill. As to the station at Birmingham, there is power given to the Railway Commissioners to enforce the fulfilment of the Act which has been passed for the junction at Birmingham. If circumstances shall render it necessary, it will be made; but that entirely depends upon the course to be taken by the London and North Western Company. If the parties are left unclogged and independent, they will, for their own mutual interests, come to an arrangement between themselves for reciprocal benefit; the words proposed as to rates and tolls will be rejected by the other House. Appendix, No. 11.

Mr. Laing is heard in reply.

Mr. Talbot states, that if there be any doubt that the words proposed, "tolls and charges," will affect the Bill in the other House, as being a money clause, which, however, he does not think is the case, he will take the clause as found in the Midland Act, with the words "terms and conditions."

The Committee-room is cleared.

After some time, the Counsel and parties are again called in.

The Chairman states, that the Committee have agreed to insert the paper (marked A.) with certain alterations (*reading the same*), viz., clause 16, as enacted in the Bill.

Subsequently, and during the same sitting, the Minutes of the Lords Committee represent the following fact in relation to the junction at Birmingham, referred to in the clause proposed by Mr. Laing, viz.:

"Mr. Brunel and Mr. Stephenson explain to the Committee the nature of the intended alterations in the station of the London and North Western Company at Birmingham, as affecting the question of the proposed junction."

CLAUSE 16, as inserted in the Act, before Amendments proposed by Mr. *Talbot* and Mr. *Laing*.

"And be it enacted, that the Great Western Railway Company shall, and they are hereby required at all times hereafter to maintain the said railways in a good and sufficient state upon both the gauges hereinbefore specified, so as to admit of the uninterrupted passage along the same of engines and carriages adapted to both of such gauges, to the same extent and with the same rights and privileges as if the said railways had been constructed with one gauge only: Provided always, that if the said company shall at any time fail so to do, and thereby cause any impediment to such uninterrupted passage, it shall be lawful for the Commissioners of Railways for the time being to require such impediment to be removed, and the said company shall be bound to obey the directions of the said Commissioners in such respect."

CLAUSE 16, as finally enacted upon the Amendments proposed by Mr. *Talbot* and Mr. *Laing*, as Counsel for the London and North Western and the Buckinghamshire Railway Companies, against the Great Western Bill.

XVI. "And be it enacted, that subject as hereafter mentioned, the Great Western Railway Company shall, and they are hereby required at all times hereafter to maintain the said railways in a good and sufficient state upon both the gauges hereinbefore specified, so as to admit of the uninterrupted passage along the same of engines and carriages adapted to each of such gauges, and shall and they are hereby required at all proper and reasonable times hereafter to permit of the passage on the narrow gauge rails of the said railways, and also of the Oxford and Rugby Railway between Fenny Compton and Banbury, of engines and carriages to and from the several narrow gauge railways which do or shall communicate therewith respectively, and to afford all proper and convenient accommodation in respect of stations, sidings, waiting, and watering places, and other facilities for the passage on the said railways of such narrow gauge engines and carriages as aforesaid, and upon such terms and conditions and subject to such regulations as may be agreed upon between the Great Western Railway Company and the proprietors of such narrow gauge engines and carriages; or in case of difference, as shall be settled by the Commissioners of Railways: Provided always, that if the said company shall at any time fail so to do, or shall cause any impediment to such uninterrupted passage, or if it shall at any time appear to the said Commissioners that the system of the mixed gauge on the said railway is not so regulated and conducted by the said company as to afford proper and adequate facilities for the traffic to be conveyed thereon on the narrow gauge, it shall be lawful for the said Commissioners to order Railways to be kept open with both gauges.

Appendix, No. 11.

order such impediment to be removed, or, as the case may require, to make such rules and regulations for the purpose of securing such facilities as aforesaid as to them may seem expedient; and the said company shall be bound to obey the directions of the said Commissioners in reference to the objects aforesaid: Provided also, that if it shall appear to the said Commissioners, from the experience afforded by the working of the said railway upon both the said gauges, that the traffic thereon cannot be conducted with safety and economy to the public, it shall be lawful for the said Commissioners to determine which, if either, of the said gauges shall be taken up and removed, and the said company shall remove the same accordingly."

FOURTH

REPORT

FROM THE

SELECT COMMITTEE

ON

RAILWAY AND CANAL BILLS.

Ordered, by The House of Commons, *to be Printed,*
8 *April* 1853.

310.

Lunæ, 6° *die Decembris*, 1852.

Ordered, That a Select Committee be appointed to consider the principle of Amalgamation as applied to Railway, or Railway and Canal Bills, about to be brought under the consideration of Parliament, and to consider the Principles which ought to guide The House in Railway Legislation.

Jovis, 9° *die Decembris*, 1852.

Committee nominated of,—

Mr. Henley.	Colonel Mure.
Mr. Hume.	Captain Jones.
Mr. William Gladstone.	Mr. Deedes.
Mr. Labouchere.	Mr. Monckton Milnes.
Mr. Strutt.	Mr. Evelyn Denison.
Mr. Wilson Patten.	Mr. Laffan.

Ordered, That the Committee have power to send for Persons, Papers, and Records.

Ordered, That Five be the Quorum of the Committee.

Jovis, 16° *die Decembris*, 1852.

Ordered, That the Committee have power to Report their Opinion from time to time to the House.

Ordered, That Mr. Hume be discharged from further attendance on the Committee, and that Mr. Bright be added thereto.

Veneris, 11° *die Februarii*, 1853.

Ordered, That Mr. Gladstone, Mr. Strutt, and Mr. Cardwell be added to the Committee.

Lunæ, 28° *die Februarii*, 1853.

Ordered, That the Committee have power to Report the Minutes of Evidence taken before them, from time to time, to the House.

FOURTH REPORT.

MR. CARDWELL reported from the Select Committee appointed to consider the Principle of Amalgamation as applied to Railway, or Railway and Canal Bills, about to be brought under the consideration of Parliament, and to consider the Principles which ought to guide The House in Railway Legislation, and who were empowered to Report their Opinion, together with the Minutes of Evidence taken before them, from time to time, to The House; THAT,—

YOUR COMMITTEE have carefully considered the Evidence which has, up to this period of their inquiry, been laid before them on the subject of Railway and Canal Amalgamation, and they have come to the conclusion, that it will not be proper to sanction the progress of the Bills now before Parliament for that object, without adopting the most careful regulations, to secure the public against the risk of oppression from the virtual monopoly which would thus be created in the hands of the Amalgamated Companies.

Your Committee would willingly have adopted any course which might have secured the fair consideration of these several proposals upon their merits in the present Session, had it been in their power to suggest any course of that kind with a due regard to the just requirements of the community at large.

It has, however, been generally admitted by the advocates of more extensive amalgamation, that this question really involves, by no remote consequence, the union of all the Railway interests of the kingdom in one body, or at any rate in a small number of great incorporations not materially differing in their effect upon the public interest from such an union. It would manifestly be unjust to permit the combination of great Companies in particular districts without at the same time guarding against injury to smaller Companies whose railways might be situate within the same districts, and against the inconvenience which the public would sustain if the communications through these smaller systems were interfered with by the power thus vested in greater Companies possessing rival Branches.

The proposals for amalgamation have been recommended to Your Committee upon the ground that much benefit would result to the Shareholders from the increased confidence which the possessors of stock would feel under these arrangements, by being, to a great extent, secured against the risk of future competition. Speaking of this risk, Mr. Stephenson has stated to Your Committee, that, if the competition which now prevails between the London and North Western and Great Western Companies shall continue, a large property which now yields 5½ per cent. will probably in ten years be reduced to 3 per cent. In return for the advantage of being thus secured, it has been proposed to give to the public, in the shape of reduced charges, a share of the profit which would, from time to time, arise from the increasing traffic, spread, as it would then be spread, over the same amount only of expended capital. It has been proposed to secure to the public this return, by a machinery comprising a closed capital account, an estimated maximum dividend, with a periodical revision of tariff, by which the charges to the travelling public might be, from time to time,

reduced; and to vest in the Board of Trade, or in some other Government Board, a wide control for the purpose of insuring the free, fair, and economical transit of persons and merchandise from one part of the kingdom to the other, by the lines now in existence, or by lines hereafter to be made.

It may be inferred from the evidence that, in some shape or other, ultimate combination of interest will result from the temporary competition of rival Companies. It appears that in Lancashire and Yorkshire, a district not the least sensitive to the advantages of free competition, no such freedom is practically enjoyed as regards communication by Railways; but that, on the contrary, between Liverpool and Manchester, where five different modes of transit, more or less competing with each other in their inception, have been established; viz., the Liverpool and Manchester Railway,—the Railways by Bolton, Bury, and Wigan, in the hands of the Lancashire and Yorkshire Company,—and the East Lancashire Railways,—the Bridgewater Canal,—the Old River Trust; all five have, more or less, a common understanding with each other, and no rivalry exists bearing any analogy to the keen competition of private individuals contending in the same trade.

Again, in the case of the London and North Western, and the Great Northern Railways, a division of traffic has been adopted, under arbitration, by which the whole country from London to Edinburgh and Glasgow is divided according to a fixed plan, and rivalry between these two trunk lines of central communication is, to a great extent, extinguished. Between the Great Northern and the Eastern Counties there exists an agreement, dividing into two parts the country in the neighbourhood of these lines, and effectually putting an end to any real competition in that district.

These instances are cited; but they are only examples of what appears to be the general tendency in respect of competition and combination between Railway Companies.

It is natural for traders to compete where the opportunity is unlimited for new rivals to enter the field from time to time; it is quite as natural for traders to combine so soon as, in the particular trade in which they are engaged, the whole number of possible competitors may be ascertained and limited.

These considerations, while they appear to Your Committee calculated to diminish the reliance which can be placed upon competition as a security for the public against the abuse of power by Railway Companies, increase in the same proportion the necessity for vigilance in parting with any control which, as guardians of the public interest, the Legislature may possess.

The voluntary combinations to which Your Committee have thus adverted have not generally the sanction or force of law. The relations which the Companies have been enabled to establish by their means are not secure; and it is a test of the difference in value between these arrangements and actual amalgamation under the authority of Parliament, that the Witnesses who recommend amalgamation speak so strongly as they do of the additional security which it will confer upon the stock of the Companies obtaining that advantage.

It is, therefore, manifest, that in conceding amalgamation, Parliament would part with a power which it might exercise for the purpose of securing to the public one of the greatest advantages that a commercial country can enjoy, viz., freedom and economy of transit for persons and merchandise from one part of the Kingdom to another; and that so important a step should not be taken unless these advantages be fully secured.

When the first Railway Bills were passed, and the present system of railway legislation was gradually acquiring shape, the ordinary traffic of the country was conducted upon the roads and canals; and the new system offered to the public the option of an improved method of transit, which was naturally accepted on the terms on which it was offered. Nor can it be doubted that railways were expected to be in practice what they are in contemplation of law, new highways freely open to the public to pass with engines and carriages, at their own discretion. But in course of time the ancient methods of transit have necessarily fallen into disuse, and the railways have become the only mode by which the greatest part of the internal communications of

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the country can be conducted; while considerations of public safety, and other circumstances, have placed the management and use of them exclusively in the control of the Railway Companies. In passing from the ruder to the more artificial system, while the greatest advantages have on the one hand been attained, on the other hand, some sacrifice has been made of the freedom with which individuals are able to exercise their choice of route, and to select the means of locomotion they employ. Under these circumstances, the relation which ought to subsist between the Executive Government, as the guardian of the general interest, on the one hand, and the owners of the railways on the other, has become a question of the utmost importance; and it would be in the highest degree unfortunate if by any precipitate step Parliament were precluded from arriving at the conclusion best calculated to promote the public good in future years.

In order to ensure this end, it will be necessary to establish, in the clearest manner, what that relation ought to be; and as subordinate to this object, to determine, among other things, for what purposes and to what extent audit can be rendered effectual; whether it be possible to ascertain and define what portions of the expenditure should be charged upon the capital of the Companies; whether the fixed amount of dividend which any Company should enjoy before submitting to the proposed revision of tariff can be fairly assessed, and what degree of control it is right that any central authority should exercise, for the purpose of securing fair facilities for the transmission of traffic arriving at the points of junction between different lines; or for the development, by new lines, of the traffic of the country, as circumstances may from time to time require.

There are also kinds of traffic, such as the conveyance of coals and minerals, in respect of which maximum charges have been prescribed; but it is doubtful whether the Companies have not the power, by denying to one person facilities which they afford to others, of materially interfering with the freedom of trade, and frustrating the intentions of Parliament.

In many of the most important districts of the country, Canals have been united with Railways traversing the whole or part of the same district; and while precautions have been taken in some of the Acts for securing to trade the benefit of free transit by such Canals, much evidence has been offered to Your Committee that these precautions have been ineffectual.

Into these questions Your Committee have entered with all the diligence which their limited time has hitherto rendered possible; but other important evidence remains to be heard, and Your Committee are not prepared to prejudge the determination at which, when the whole inquiry shall have been concluded, it may be their duty to arrive.

That it will be undesirable to permit the Bills now before Parliament to proceed, without having first arrived at a conclusion upon the merits of the whole question, will be manifest, when it is considered that the Bills promoted by one Company (the London and North Western) have been stated to Your Committee to involve the union, under one control, of a raised capital of 60,000,000*l.*, between one-fourth and one-fifth of the railway property of the kingdom,—an annual revenue exceeding 4,000,000*l.*,—and an extent of railway communication of upwards of 1,200 miles, or more than one-sixth of the railways in the United Kingdom,—forming, from the importance of the towns with which it is connected, a key to the principal communications of the country.

Your Committee are not prepared to advise that Your Honourable House should part, at present, with any of the powers which Parliament possesses in respect of these great Companies. The period of the Session has now arrived at which it is absolutely necessary to take a decided course in regard to Private Bills. Your Committee therefore recommend that the Bills for effecting the more extensive amalgamations shall not be allowed to proceed to a Second Reading.

There is a class of Bills included within the same technical description as Bills of Amalgamation, which are not open to the same objection, and ought not to be included within the prohibition against proceeding in the present Session. These are Bills, the object of which is to make a Local Branch for the benefit

of a particular district; and since the small and new undertaking cannot prosper by itself, to unite it in interest with the trunk, of which it must, of necessity, be a mere branch or adjunct. Bills of this nature, instead of deserving restriction, rather need encouragement, and ought therefore to be subjected to no unnecessary expense, and to none of the hazards of delay. How far, under any improved system of Railway legislation, it may be possible to increase the facility for obtaining lines of local convenience, is a subject to which the attention of Your Committee will continue to be carefully directed.

It remains that Your Committee should submit the views which they conceive should be adopted, pending their inquiry, upon other subjects indirectly affecting the question of Amalgamation.

The first of these subjects is that of Running Clauses, as they are usually termed; in other words, of conceding to one Company powers of traversing, without consent, the lines of another. This practice has always been regarded as questionable from considerations of public safety, and Your Committee advise that the attention of the Select Committee upon each Bill should, in every case, be specially directed to this subject, and that running clauses should be admitted with great caution, and only in cases where it is clearly shown that the apparently hostile clauses are not inserted as a cloak for amalgamation,—and also that effectual security may be and has been taken for conducting the traffic without danger, if the Companies continue independent of each other.

There are also many Railways before Parliament in the present Session which may not appear to be in themselves claimants for amalgamation, and which yet may be in substance means of defence or of offence in the contests going on between different railway systems. It is impossible for Your Committee, not appointed for the purpose of investigating in detail particular schemes, and not having time to devote to their investigation, to express an opinion upon each particular plan. But Your Committee are satisfied that if the amalgamation schemes of the great Companies are suspended during this inquiry, it is right to take some precaution for guarding them against any unfair opposition which may arise from other schemes, and that the public will be benefited by limiting the legislation of this year to Lines which it is intended not only to pass into law, but also to carry into actual effect.

Your Committee, therefore, would advise that all schemes for amalgamating two or more Companies already incorporated should be arrested for the present Session, and that no new scheme should be permitted to proceed without giving effectual security for its actual and immediate completion. They are fortified in this conclusion, by the fact which has appeared in evidence, that 2,000 miles of railway, involving more than 40,000,000*l.* of capital, have been sanctioned by Parliament, and afterwards abandoned without the consent of Parliament.

Your Committee have taken some evidence on the subject of public safety, with which the subject of amalgamation is very materially connected. But as their present Report is mainly directed to the course of proceeding which ought to be adopted with regard to the Bills now before Parliament, and the question of safety is too important to be dealt with in a partial manner, Your Committee do not propose to offer their opinion to the House until a future time.

In order to give effect to these views, Your Committee have agreed to the following Resolutions, and have instructed their Chairman to move the House to resolve,—

1. That no Railway or Canal Bill, containing any powers of amalgamation, purchase, lease, working arrangement, or other combination of interest between different Companies heretofore incorporated, be read a second time, unless the parties interested in promoting such Bill shall elect to proceed with the same on the terms of striking out in Committee all such powers aforesaid.

2. That it be an instruction to the Committee on every Railway Bill, providing for the construction of any new railway, or for the extension of time for the completion of any railway, in case they shall find the preamble thereof to be proved, to insert in the Bill one or other of the provisions following; (that is to say,)

a. In

a. In every Railway Bill promoted by an existing Railway Company, being possessed of a railway already opened for public traffic, whereby the construction of any new line of railway is authorised, or the time for completing any line already authorised is extended, a clause providing that after the expiration of a period to be limited by such Bill, not exceeding five years from the passing of the Act in the case of a new line, and three years in case of the extension of time for completing any line, the payment of any dividend on the ordinary and unguaranteed capital of such company shall be suspended until such line shall have been completed and opened for public traffic.

b. In every Railway Bill promoted by an existing Railway Company, not being possessed of a railway already opened for public traffic, or by persons not already incorporated, whereby the construction of any new line of railway is authorised, a clause to the following effect; viz.

And whereas, pursuant to the Standing Orders of the House of Commons, the sum of £. , being one-tenth part of three-fourths of the amount of the estimate of the expense of the Railway authorised by this Act, was required to be deposited with the Court of Chancery, in respect of the application to Parliament for this Act; and whereas, pursuant to an Act passed in the ninth year of the reign of Her present Majesty, intituled, "An Act to amend an Act of the second year of Her present Majesty, for providing for the Custody of certain Monies paid in pursuance of the Standing Orders of either House of Parliament by Subscribers to Works or Undertakings to be effected under the Authority of Parliament," the sum of £. has, in conformity with the Warrant or Order of a Clerk of the Private Bill Office of the House of Commons, been paid into the Bank of England in the name and with the privity of the Accountant-General of the Court of Chancery [*or*, 'Exchequer Bills of the amount of £. have, in conformity, &c., been deposited in the Bank of England in the name,' &c; *or*, 'the sum of £. Three per Centum Consolidated Bank Annuities have, in conformity, &c., been transferred into the name,' &c.], [or otherwise, as the case may be]; Be it Enacted, That notwithstanding anything contained in the said last-recited Act, any sum of £. [or the said Exchequer bills or other funds, as the case may be] so paid in [or deposited] as aforesaid, in respect of the application for this Act, or the interest or dividends of such sum of money [Exchequer bills, stocks, or funds], shall not, except upon the execution and deposit of such bond as hereinafter mentioned, be paid or transferred to or on the application of the person or persons, or the majority of the persons, named in such warrant or order, or the survivors or survivor of them, unless the said Company shall, previously to the expiration of the period limited by this Act for completion of the Railway hereby authorised to be made, either open the said Railway for the public conveyance of passengers, or prove to the satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the said Company have paid up one-half of the amount of the capital by this Act authorised to be raised by means of shares, and have expended for the purposes of this Act a sum equal in amount to such one-half of the said capital; and if the said period shall expire before the said Company shall either have opened the said Railway for the public conveyance of passengers, or have given such proof as aforesaid to the satisfaction of the Lords of the said Committee, the said sum of money [Exchequer bills, stocks, funds, and securities], paid [or deposited] as aforesaid, and the interest and dividends thereof, shall immediately, from and after the expiration of the said period, be forfeited to Her Majesty, and be paid and transferred by the officer or person in whose name they shall then be deposited or invested to the account of Her Majesty's Exchequer, and when so paid and transferred, shall be carried to and form part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland: Provided always, that at any time after the passing of this Act, if a bond, in twice the amount of the said sum of £. , shall have been executed by the said Company, with one or more sureties, (such bond to be prepared to the satisfaction of, and such surety or sureties to be approved by, the solicitor to the Lords Commissioners of Her Majesty's Treasury.) conditioned for payment to Her Majesty, her heirs or successors, of the said sum of £. , if the said Company shall not either open the said Railway for the public conveyance of passengers within the time limited for that

purpose by this Act, or prove to the satisfaction of the Lords of the said Committee that the said Company have paid up one-half of the amount of the said capital by this Act authorised to be raised by means of shares, and have expended for the purposes of this Act a sum equal in amount to such one-half of the said capital; and if such bond shall have been deposited with the said solicitor to the said Lords Commissioners, then such sum of money [Exchequer bills, stocks, or funds], and the interest or dividends thereof, shall be paid or transferred to, or on the application of the person or persons, or the majority of the persons, named in such warrant or order as aforesaid, or the survivors or survivor of them; and the monies to be recovered upon such bond shall be dealt with in like manner as the said sum of money [Exchequer bills, stocks, or funds], and the interest or dividends thereof, would have been dealt with under this Act if such bond had not been executed and deposited as aforesaid.

c. In case of any Railway Bill, to which neither of the foregoing provisions may be found to apply, a special provision for effectually securing, as nearly as may be in accordance with the same, the completion and opening for traffic of the Railway to which the Bill relates.

8 *April* 1853

FOURTH

REPORT

FROM THE

SELECT COMMITTEE

ON

RAILWAY AND CANAL BILLS.

Ordered, by The House of Commons, *to be Printed,*
8 *April* 1853.

310.

Under 2 *oz.*

FIFTH

REPORT

FROM THE

SELECT COMMITTEE

ON

RAILWAY AND CANAL BILLS;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND

APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
8 *July* 1853.

Lunæ, 6° *die Decembris*, 1852.

Ordered, That a Select Committee be appointed to consider the principle of Amalgamation as applied to Railway, or Railway and Canal Bills, about to be brought under the consideration of Parliament, and to consider the Principles which ought to guide The House in Railway Legislation.

Jovis, 9° *die Decembris*, 1852.

Committee nominated of,—

Mr. Henley.	Colonel Mure.
Mr. Hume.	Captain Jones.
Mr. William Gladstone.	Mr. Deedes.
Mr. Labouchere.	Mr. Monckton Milnes.
Mr. Strutt.	Mr. Evelyn Denison.
Mr. Wilson Patten.	Mr. Laffan.

Ordered, That the Committee have power to send for Persons, Papers, and Records.

Ordered, That Five be the Quorum of the Committee.

Jovis, 16° *die Decembris*, 1852.

Ordered, That the Committee have power to Report their Opinion from time to time to The House.

Ordered, That Mr. Hume be discharged from further attendance on the Committee, and that Mr. Bright be added thereto.

Veneris, 11° *die Februarii*, 1853.

Ordered, That Mr. Gladstone, Mr. Strutt, and Mr. Cardwell be added to the Committee.

Lunæ, 28° *die Februarii*, 1853.

Ordered, That the Committee have power to Report the Minutes of Evidence taken before them, from time to time, to The House.

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FIFTH REPORT.

MR. CARDWELL reported from the SELECT COMMITTEE appointed to consider the Principle of Amalgamation as applied to Railway or Railway and Canal Bills, about to be brought under the consideration of Parliament, and to consider the Principles which ought to guide The HOUSE in Railway Legislation, and who were empowered to report their Opinion, together with the MINUTES of EVIDENCE taken before them, from time to time, to The HOUSE, and to whom several Petitions were referred;——THAT they had considered the Matters to them referred, and had agreed to the following REPORT:—

IN a former Report, Your Committee submitted to The House their opinion, that in conceding amalgamation to the companies who were seeking to obtain the Bills then pending for that object, Parliament would "part with a power which it might exercise for the purpose of securing to the public one of the greatest advantages that a commercial country can enjoy, viz., freedom and economy of transit for persons and merchandise from one part of the Kingdom to another; and that so important a step should not be taken unless these advantages be fully secured."

In reviewing the whole of the Evidence which has been laid before them in the course of their inquiry, Your Committee have directed their attention chiefly to the following considerations; viz., how far the most free, safe, convenient, and economical transit from place to place, in respect of passengers and goods, may be secured to the community by means of the existing railways and canals; what regulations may most advantageously be made for the judicious development of the system by the construction of new lines; and, subordinately to these considerations, whether the property invested in these undertakings may not be protected from undue depreciation and from unnecessary risk. They have examined the principle of amalgamation, for the purpose of determining how far the indefinite extension of that principle may be consistent with these important objects.

In favour of amalgamation, it is urged that unity of management will usually tend to promote the public convenience: that the persons responsible will generally direct their attention to the development of the traffic upon the main line and upon the several branches, without any regard to those considerations which induce the managers of rival lines to divert it from the channel in which the convenience of the public would naturally have caused it to flow: that arrangements will more readily be made for booking throughout without change of carriage, and for the more certain arrival of trains to meet each other at the points of junction: that by the retrenchment of duplicate trains, and by greater economy in the distribution of servants and of working stock, a saving will be effected, and the Company will therefore be enabled to expend money on the improvement of their works, the development of their traffic, and the construction of branches, or to reduce their charges to the public. It may be admitted that all these considerations are entitled to great weight, and the witnesses by whom they have been urged, will be found to be among the most experienced and the most able of the gentlemen connected with the management of the

Railways. It follows from general reasoning, and appears to Your Committee to have been established in evidence, that competition fails to afford to the public the same security in respect of railway accommodation, which it gives in the transactions of ordinary trade. The amount of capital required for the construction of a railway, the exclusive possession of the line of country best calculated for the purposes of economy and traffic, and the time required for bringing into active operation any new competitor, with other considerations too numerous to detail, tend to remove these great undertakings from the sphere of ordinary commercial pursuits, and render it necessary for Parliament to look to other remedies than competition for any mischief which may arise from the abuse of power by railway companies. It is true that the power reserved to Parliament of introducing new and competing schemes into districts inadequately served by the established lines, is a weapon the existence of which will be influential as a moral check; and Parliament may actually resort to it when other measures fail; but the main consideration still remains, that for the abuse of power by railway companies, competition, in the ordinary application of the term, affords to the public no sufficient remedy. In a Report recently presented to the American Congress, by a committee, this subject is fully considered, and the view of the committee is summed up in the following words:—

"It would appear, therefore, that the principle of competition cannot, as a general rule, apply to railroad corporations, and that the interests of the community should not be left to its operation, as in ordinary business enterprises; that they must, from their peculiar elements, be, in a greater or less degree, monopolies, and necessarily liable to the evils of monopoly. These evils are not, probably, as great at this time as they may be hereafter, when the system becomes more perfectly developed, and placed under the management of persons less disposed to show deference to public sentiment; nor are they as yet very perceptible to the public, from the fact that they are not apparent in any direct loss to the community; for railroads under any system must be a great benefit, but consist rather in depriving it of the additional advantages it would otherwise obtain. It is nevertheless due to the community that the tendency to these evils should be checked, and, if the above views are correct, it is incumbent upon the State to place the whole system under such control and supervision as may be deemed necessary to secure the greatest amount of public benefit compatible with a due regard to the pecuniary interests involved in the operations of railroads."

Against indefinite amalgamation, on the other side, it is strongly urged by persons engaged in trade, and by the representatives of the property invested in Canals, that the amalgamation of Companies in an united interest naturally leads to an abuse of the power which is thus conferred upon the directors. It is to be observed that many of the advantages which are contended for as belonging to amalgamation, on a moderate scale, do not apply to cases where the extent of the proposed union is such as to exceed the compass of one management properly to direct. On this subject Your Committee would refer to the evidence given by Mr. Saunders, to the effect that in an enormously large corporation the variety of details and extent of business is too great to be satisfactorily transacted.

When many of the lines in an extensive district are united in one interest, it may become the object of the managers to secure the traffic over the greatest mileage, and consequently to divert it from its natural course, if that natural course would have caused it to flow in part only over their own system, and in part over the line of some other railway, or of some water communication in the same district. Such an amalgamated Company also is armed, by the extent of its capital, with greater power of destroying competition in one part of its territory by the temporary lowering of its rates to an unremunerative scale, the partial loss being of comparative indifference; while to the smaller rival, which it is the object of the great incorporation to destroy, the traffic in immediate contest constitutes the whole source of its revenue.

The desire of the railway companies for amalgamation may be attributed to two causes perfectly distinct, and requiring a separate consideration. Originally, amalgamation was sought for from Parliament principally on the ground of economy in the conduct of the traffic. Latterly, however, new reasons have influenced

influenced the companies, and amalgamation has become not so much a question of economy in the management of the line, as a matter of offensive and defensive policy in regard to the unsettled relations subsisting between different companies. As the practice of Parliamentary legislation stands at present, it is in the power of one rival company materially to affect the interest of the other; or a small number of speculators, with or without the encouragement of a rival, can injure the position of an established company by laying out a line within their neighbourhood, and so compel them to bring forward, in self-defence, and as part of their own system, schemes which, upon a wider review of the public advantage, it is probable that Parliament would have refused to sanction.

Your Committee referred in a former Report to the circumstance, that about 2,000 miles of railway, involving an outlay of upwards of 40 millions, have been sanctioned by Parliament, and afterwards abandoned by the promoters without the leave of Parliament.

A most competent witness has estimated the loss of money to the railway shareholders, unnecessarily incurred in obtaining Parliamentary authority for and in constructing the railways now in existence, and in opposing rival schemes, at 70 millions; and though it may, perhaps, be considered that this is a high estimate, when taken in regard to the lines actually made, it is no sufficient measure of the loss which has been really sustained, since many lines have been constructed which probably are not laid out in the way best calculated to promote the general convenience, and so to develop the greatest amount of traffic. On the other hand, it is difficult to estimate the amount of benefit which is derived to the public even from railways which are not remunerative to the shareholders, by the facilities which are afforded for transit, and by the saving of capital which arises from the shortening of time required for the transmission of goods, and the diminished necessity for holding considerable sums locked up in the stocks of tradesmen.

Amalgamation (that is to say, the consolidation of greater capital and of greater power in the hands of an united Board of Directors) is sought for as a protection against the risks to which the property invested in the existing railways is exposed; and this amalgamation contemplates, in the mind of Sir W. Cubitt and other witnesses, the eventual union of all railway property in a common stock; while in the mind of others it is limited to what is called territorial division; that is, to the grouping of the several railways into a small number of great incorporations, perhaps seven for Great Britain, to each of which should be assigned a regulated monopoly of the district in which it is situated.

With regard to the first of these plans, the union of all the railway property, present and future, in one stock, it seems to Your Committee that the following considerations would require to be carefully weighed by Parliament, before so important a change could be permitted. The railway property held in Great Britain at the end of 1851, the latest period to which the Parliamentary returns are complete, was 248,240,897*l.*, and will receive continual and indefinite additions as the traffic of the country is from time to time developed. The amount received by the companies on account of passenger traffic for the year 1851 was 7,940,764*l.*, and on account of goods traffic, 7,056,695*l.*, making a total gross revenue of nearly 15,000,000*l.*, which appears to be steadily increasing. The number of persons directly employed in the service of the existing companies in June 1852 was 67,601, while the number employed in constructing new railways at the same date was 35,935; and the numbers whose living is indirectly dependent upon them in the various trades employed for the service of the railways is probably greater. There is no political division of the kingdom in which they might not be expected, through the medium either of their shareholders, or of their patronage, or of special advantages which they might render to particular individuals, to exercise an influence, while, if they were all united in one common stock, it is no injustice to the railway directors as a body to suppose that they would wield their extensive powers rather for the promotion of the interests especially entrusted to their charge, than with a comprehensive regard to the more general welfare of the community. "If you allow," said Mr. Edmund Denison, in evidence, "a very large amalgamation to take place, I do not know

know what sort of political feeling might arise, which might be felt in the House of Commons. That is an argument against amalgamation."

It has been proposed to render general amalgamation consistent with the just requirements of the public by a system of audit, of maximum dividend, and revision of tariff, whenever that maximum dividend is exceeded. On the subject of audit, Your Committee have taken evidence tending to establish the possibility of subjecting the accounts of railway companies to a general system of audit, if at any future period it shall appear to be desirable for public purposes. But an audit which would be sufficient for the purpose now more particularly referred to, would necessarily comprehend some of the most difficult questions of railway management; as, for instance, the propriety of charging to capital particular items of expenditure; and it will not be necessary to institute it, since Your Committee are not prepared to recommend the general scheme of amalgamation with which, in the mind of the witnesses examined before them, the proposal of an audit has been connected.

As regards territorial division, in the high meaning attached to those words by some of the witnesses, amounting to an assumption that a concession of a certain territory should be made to a particular company, and the faith of Parliament be pledged against the intrusion of any rival within the circle so prescribed, Your Committee are satisfied that no such engagement can in reason be asked for from Parliament; nor would it be of any enduring value if it were given. The only security which any company can obtain for the undivided possession of a particular district is the maintenance of such relations with the inhabitants of that district, and with Parliament, the guardian of the general good, as may render the continuance of that exclusive possession consistent with an enlightened regard to the wants and interests of the public.

Your Committee consider that the principle, heretofore established at law, that an Act of Parliament constitutes an engagement between the promoters on the one side and the public on the other, is a principle deserving of more consideration than it has hitherto obtained as a guide to future legislation. This principle, rightly understood, conveys to the promoters no right that their privileges shall be exclusively maintained when they cease to be consistent with the general advantage; but it does imply, that having been authorised by the Legislature to construct expensive works for public use, the resources from which their just remuneration was to spring shall not be taken away upon any other than clear grounds of public policy. The observance of such a principle is valuable to the public as well as to shareholders, since it is of importance to the whole community to develop by every judicious means those communications on which the freedom and facility of trade, and the safety and convenience of personal locomotion, now depend, and therefore to ensure, to a reasonable extent, the stability of the property so invested.

It is also to be observed, that while actual amalgamation requires the consent of Parliament, combination of interest, under private agreement, is a matter of constant occurrence, and produces, to a certain extent, the same result as regards the public convenience; establishing a community of purpose between two or more companies, and enabling the managers of those companies to exercise over the traffic a combined control. It has been contended by some of the Witnesses, that since it is not possible wholly to prevent this kind of combination, it is idle to refuse the formal sanction of Parliament to the principle of amalgamation. But Your Committee are of opinion, that there is a wide difference between arrangements of this nature and actual amalgamation by Parliamentary enactment. The latter once conceded, no change can be made, if at any subsequent time, either from a change of circumstances, or from a change of management, it becomes desirable again to divide the companies which have been thus united. But if working arrangements, not now valid in law, shall be sanctioned by Parliament, under definite conditions, and for limited periods, capable of being renewed by the same authority, when approaching the term of their existence, it will be in the power of the companies to contract alliances useful for the conduct of traffic, while it will be open to Parliament to interfere for the prevention of permanent public mischief.

Your Committee, in a former Report, took occasion to remind The House that

that the Bills promoted in the present Session by one company (the London and North Western) have been stated to Your Committee to involve the union, under one control, of a raised capital of 60,000,000 *l.*, between one-fourth and one-fifth of the railway property of the kingdom, an annual revenue exceeding 4,000,000 *l.*, and an extent of railway communication of upwards of 1,200 miles, or more than one-sixth of the railways in the United Kingdom, forming, from the importance of the towns with which it is connected, a key to the principal communications of the country. It was not surprising that the Chairman of the Great Northern Company should inform Your Committee that if this amalgamation were permitted to proceed, it would be impossible for the company over which he presides, (though possessing a raised capital of 9,500,000*l.*, and an extent of 283 miles), to maintain an independent existence; and it is manifest that before legal validity is given to working arrangements, the effect which they will have upon neighbouring companies, and upon that portion of the public whose interests these neighbouring companies subserve, should be duly and carefully considered, and an opportunity afforded to all such parties to be heard.

In coming to a conclusion on this branch of the subject, Your Committee have borne in mind that the system of railway communication ought not by any means to be considered as having attained its full maturity, but that on the contrary much is yet to be learnt, both as regards the legal effect of Parliamentary enactments and the practical consequences of improved management. They attach great weight to the following opinion expressed, in the course of his evidence, by Mr. Baxter, the eminent railway solicitor:

"3493. Is it your opinion that the power of the companies is large enough already, and that that power would be raised to a dangerous height if it were allowed to absorb other great companies?—Just so; what may be called the fighting powers of railways have been much developed, of late years, by the contests that have been going on with great companies; and those fighting powers are of a most serious description.

"3494. By fighting powers you mean the inclination of a company, the sources of whose revenue are generally diffused, to lose revenue in the particular place where they desire to direct the edge of competition?—Yes; where a company with an income of 70,000*l.* a week is competing with another company whom it desires to reduce into obedience, it will make its mind up to lose 2,000*l.* or 3,000*l.* a week for six months, knowing that it can afford to lose that sum, and the other company cannot afford to lose that sum. The effect on the larger company may be a very small fraction of a dividend; the effect on the smaller company will be a very serious reduction of the dividend, and the consequence of that is, that in the feverish state of all railway shareholders, the company whose income is greatly reduced would immediately be revolutionized, and the shareholders would in all probability quarrel with the directors, and in the midst of the revolution other arrangements would be proposed, and those, most probably, would be some union or agreement with the larger company.

"3495. Then do you lay down as your chief principle, that amalgamations should not be allowed to go to so great an extent as to create single corporations, whose power is able to overbear all the other corporations in its neighbourhood?—Clearly so; and because the present system of Parliamentary regulation, if we may suppose that there is a regulation at all, is to allow competition generally between companies merely stepping in upon certain occasions to interfere with that competition, and such competition could not co-exist with a company beyond a certain scale of magnitude.

"3496. Are you of opinion that the universal fusion to which you have referred in your former answer could be carried into effect with a due regard to the general interests of the community?—I am clearly and strongly of opinion that such a measure could not, at the present time, be carried into effect, because there is no public department sufficiently educated to take the command which would be necessary in such a state of things. The science of railway government is one of a most intricate character. Gentlemen of the greatest talents in general business, when they come to apply those talents to railway management, are perfectly at a loss. I have met the most acute minded public men upon railway subjects, and found that when we descended into the details of railway management, the subject is too intricate to allow them to exercise a safe judg-

ment upon it; and I conceive that no man, whatever be his powers, can take up such a subject newly and understand it for two or three years at least; he must have two or three years' experience before he is competent safely to deal with it.

"3497. You have spoken very justly of the want of experience and knowledge that a public department might be expected to bring to the task of railway management; now, extending the nature of that observation, do you think the general progress of science, with respect to railway management, has been such as that we may suppose it has already arrived at perfection, or, on the contrary, may we not reasonably expect that new improvements will from time to time be made, and that the progress of science in railway management in affording facilities for railway communication will hereafter be very great?—No doubt; the science of railway management is by no means perfected; you can scarcely say it has yet attained manhood, either if you regard the general policy of railways, as to which most incredible mistakes are still made under railway management, or if you regard the particular mode of transmitting your traffic and your passengers; improvements will be made in both departments without a question as experience goes on, and there are no means of educing those improvements so satisfactorily as leaving the matter to a modified competition.

"3498. So that if there were a universal fusion, and that universal fusion was regulated by an executive department, a great barrier would, in your judgment, be created in the way of the natural progress and improvement of railways?—Not only that, but I believe railways would go back again immediately."

With a view, therefore, of securing to the Railway Companies and to the public, as far as may be possible, all the advantages of amalgamation, and yet of retaining in the hands of Parliament all the power which it may be necessary to employ in future for better securing from time to time the application of railway facilities to the general good of the community, Your Committee would advise that working arrangements, for a time to be limited, confirming intimate relations between different companies on the subject of the regulation of their traffic and the division of the proceeds, may with propriety be sanctioned.

In immediate connexion with this subject, Your Committee would advert to that of running clauses, or powers conceded to one company of using, without permission, the line of another. This whole subject of the intercommunication of traffic between one railway system and another, is a subject encircled with difficulty. In theory, the railway is open to all comers, like a common highway, on payment of toll: in practice, no one can carry upon a railway but the owners of the stations, water-tanks, and other accommodations along the line; in other words, the owners of the line; except for short distances, and in particular cases, where special powers have been given by Parliament, enabling one company to use the accommodations of another. The exercise of these powers is attended by many objections on the score of safety to the passengers conveyed in the trains of both the companies; and it is in evidence before Your Committee, that when obtained from Parliament, these powers are sometimes employed, not in the way which Parliament designed, to create for the public a means of communication which would not otherwise exist, but for the widely different purpose of obtaining for the company to which they have been granted a pecuniary concession from the other company. In speaking on this subject, Captain Huish says, "I conceive that in almost all cases the result would be an arrangement between the companies; running powers are granted over a particular portion of a line, in order, it is said, to save the construction of a duplicate line; they are asked for on the plea of public interest, and are obtained on that ground, and they are then sold as a matter of bargain almost as soon as they are obtained; that is the real object in obtaining them; it is not to use, but to sell them; I could give numberless instances of it."

If a company which has obtained its powers on public grounds resolutely refuse to admit upon its line, with facility and convenience to the travellers, the traffic of an independent company, it appears to Your Committee essential that some remedy should be found for such a refusal. In the case of Salisbury, it has been stated to Your Committee by the Mayor, that the line from that city to Warminster is left uncompleted, because the Great Western, whose line it is, have

have a greater interest in conveying passengers by a more circuitous route: that the line would of itself be remunerative, and that capital could be raised for its completion; but that the interest of the South Western at Salisbury being adverse, as that of the Great Western at Warminster, the line, when constructed, would be comparatively useless without powers being secured to its promoters for the free transmission of its traffic over the Great Western and South Western Railways respectively. As regards the transmission of goods, it appears from the evidence of Mr. Stephenson that salt raised from the mine in Cheshire, and intended for alkali works at Newcastle, is carried round to Hull, and thence by shipment to Newcastle; and that cotton from Manchester, for owners at Newcastle, is also sent to Hull, because it serves the interest of an intermediate company to divert the traffic in both cases from the channel in which the convenience of the owners would have directed it to flow.

To the concession of running powers of a limited character in cases like these, there seems to be in justice no ground of objection, and yet considerations of public safety are decidedly opposed to the concession. It is therefore most important to consider whether there be any mode by which justice can be done to the public, without the introduction or extension of a system, objectionable on the score of danger.

It has been much discussed in evidence, and seems to be generally recommended by the witnesses, that the Railway Department, as now constituted, or some other department to be specially created for this purpose,—in short, that the Executive Government should be invested with strong powers for compelling companies so situated to give to each other and to the public every reasonable facility.

The following is the carefully considered opinion of Mr. Denison, the Chairman of the great Northern Railway Company:

"1948. Do you think that general amalgamation would be desirable, or otherwise?—Very undesirable as regards the public, unless the greatest possible precautions were taken by Parliament. Perhaps such amalgamations might be advantageous to shareholders generally, but as regards the public, in my opinion, they would be very disadvantageous, unless very specially guarded.

"1949. It may be taken for granted, that any such amalgamations, if sanctioned by Parliament, would be specially guarded. Can you state, in a general way, any guards and precautions which might be effectual for the purpose?—Nothing short, in my opinion, of the establishment of a distinct Railway Board of Control, being put in possession of very ample powers, much larger than they ever had, much larger than they have at present, and to such an extent that they should, in point of fact, have the complete control of the machinery of the railways. Without that, I should think, it would be exceedingly dangerous, as regards the public, to let such amalgamations proceed.

"1950. By a complete control of the machinery, do you mean a complete control in the way of authority, or do you mean that the servants actually employed in carrying out the details of railway management should be the servants of the Government?—No; I think it so important a question that for fear I should make any mistake, I have written down my views upon this particular point. I think, 'That a Railway Board of Control should be appointed, which should have power to see carried into effect, according to the best of their judgment, the intentions of Parliament, and the object of the promoters of every railway; and to decide, in case of any dispute, how the traffic between all places should be conducted, and upon what terms, rates, and conditions. That all agreements between companies respecting traffic should be subjected to the approval or disapproval of such Board. That the Board should have power, and that it should be part of their duty, to send inspectors over the railways for the purpose of seeing and reporting the condition of the railway, the carriages, &c.; and that the Board should have power to make and enforce such orders for amendment or alteration as they may think proper. That the Board should hear all complaints and answer in open court. That the Board should have the power to regulate the time of starting trains. That the Board should have power to advise Parliament, from time to time, what Legislative measures should be adopted, after hearing all parties in the presence of each other.' That is my opinion in respect to the Board. The reason why I have made some strong observations on the

parties being heard in open court is, because I am sorry to say that I have had a great deal of experience of the greatest possible inconvenience arising from Railway Board officers, with the best possible intentions, first hearing one party with closed doors, and then hearing the other, and deciding on the case without the parties knowing why. They laid themselves open to the greatest possible suspicion, and I have no difficulty in stating that that system was the cause of the Railway Board of 1845 raising public indignation against it."

But in practice this plan would be attended by difficulties of a very serious kind. If it were the interest of one company that its trains should arrive at a station at a time calculated to disappoint the train of the other company, or to refuse that interchange of carriages which obviates the necessity for a removal of luggage, or by the adoption of other expedients to render that mode of travelling inconvenient and uneasy, it would be very difficult even for an executive body to overcome the obstacles which their power, guided by experience, would enable them to interpose. Your Committee, however, think it would be possible, in certain cases where the general convenience of a district was in question, to raise the dispute between the public and the companies in such a shape, as that the interposition of the Railway Department might be effectually exercised. With the view of preventing this power from being rendered nugatory by the introduction of small objections of a practical kind, ingeniously created for the purpose of embarrassing the decision, it would be necessary that it should be conveyed in the widest terms.

Since, however, this control, when actually applied, must be arbitrary in its nature, and free from all technical fetters, and since the exercise of it will always affect the pecuniary interest of the Company against which it is directed, Your Committee feel that the occasion on which it should be exerted must be carefully defined. The constitution of the Executive Government, affording no means of inquiry in presence of the bar and the public, is unfavourable for the determination of such questions, and Your Committee recommend that the fact of wrong having been done by the company should first be substantiated before a public tribunal, and the aid of the Executive Department be afforded to that tribunal in framing its decisions with a view to their practical effect. This course of proceeding will be the more convenient, inasmuch as the Process of the Court will in any case be requisite to enforce any decision at which a department of the Government might arrive.

The difficulty, just adverted to, of arranging the intercommunication of different systems at their points of junction, is much increased where it relates to the subject of local branches constructed for the purpose of uniting small towns or rural villages with the leading lines of railway. In these cases the branch cannot afford to maintain engines and carriages for itself; its traffic, counted over its own mileage only, may be unremunerative, although as a feeder to a larger line over the greater mileage of which its traffic will pass it may not be unproductive; and in such cases, unless assisted by the trunk line, or empowered by Parliament to increase its mileage, and thereby maintain its own plant by running powers over the trunk line, the branch could not be made. It is more difficult for Your Committee to furnish in words any rule for the decision of cases, each of which would present some degree of specialty arising from local circumstances, than it would be to maintain in practice an uniform current of decision in like cases. It seems, however, reasonable to assert as a principle of railway legislation, that no trunk line should be regarded as fulfilling the conditions of its relation to the district in which it was situate, unless it afforded every equitable facility for the working of local branches whenever the residents came forward to aid in their construction.

The union of railways with canals is another most difficult subject with which Your Committee have been engaged. This union, though so manifestly open to abuse, has been carried by past legislation to a great extent. In the present Session there were several Bills before Parliament, having for their object the union of canal with railway interests, and amongst them was a proposition which, from its nature, will exemplify the importance of this subject. The proposition was to unite the Grand Canal of Ireland with the Midland Great Western Railway, the proprietors of which being already in possession of the Royal

Royal Canal would have thus obtained the entire control of the communications, both by canal and railway, from the East Coast of Ireland across to the navigable waters of the Shannon on the west.

In some cases this union of railways and canals has been effected at the instance of the railway companies, for the obvious purpose of removing a competitor, and obtaining a monopoly of the means of transit. It has been stated to Your Committee that the former carriers upon the Huddersfield and Manchester Canal, who had conducted their trade for many years with advantage, while the canal was in the hands of the canal company, were obliged to abandon their business upon that canal by the treatment they received from the railway company, who have of late, under the sanction of Parliament, become the proprietors of the canal; and, being also possessed of a railway passing through the same district, and of other railways beyond it, found it to their interest to discourage the traffic by independent carriers on the canal, in order to secure to themselves the transmission of goods from the district served by the canal to places beyond that district.

In other cases the union appears to have been effected in the following manner. When a railway company has proposed to construct a railway in a district heretofore served by water carriage, the shareholders in the canal have possessed sufficient influence to compel the railway company to buy off their opposition by amalgamating them on favourable terms with the railway. In cases of this kind the difficulty of providing a remedy against abuse is greatly increased by the hardship which the railway company will allege to be inflicted upon them, if Parliament having first compelled them to enter into a losing partnership with the canal, afterwards prohibit them from turning the two schemes conjointly to the utmost advantage in their power. However much Parliament might wish to recall its past proceedings, nothing now remains but to give to things as they stand the most equitable construction: and this appears to Your Committee to be, that while the shareholders should be permitted to extract from the canal the greatest profit which it is capable of returning them by a development of the water-carriage, they are not entitled to charge such rates on the canal as would necessarily divert the traffic from the canal to the railway, and render inaccessible to the public the advantages of water communication. This consideration is the more important, from the bearing which such a practice upon one link of a chain of inland navigation must obviously have upon canals, the property of independent companies, but constituting other and perhaps distant links in the same line of communication.

There is another class of cases in which the railway companies appear sometimes to exercise arbitrary and illegal powers, to the prejudice of persons engaged in trade; viz., where they evade that provision of the law which requires them to exact no more than equal charges under the same circumstances. Complaints from persons engaged in coal and other mineral traffic, have been urged before Your Committee to the effect, that special favour is shown to particular classes of traffic, to the prejudice of others: and in such cases, as some difference of circumstances can of course always be alleged, it is often a difficult question to decide whether that allegation can or cannot be sustained. The common proceedings in the courts of law are not suited to cases of this kind, since the recovery of a verdict for nominal, or even for substantial, damages, is no adequate satisfaction to a trader whose daily business is disordered or destroyed; and even the more stringent proceedings of Chancery are liable to be defeated by some change in the regulations of the Company, purposely introduced to create a colourable change of circumstances, and thereby compel the individual to renew from the beginning the whole of his proceedings against them.

To furnish in all cases an effective remedy for such grievances is probably impossible. Your Committee have endeavoured to arrive at the best means of doing so as far as possible, and particularly when the grievance is extensive in its nature, and rises to the character of a public wrong. With this view they recommend the same course of proceeding as that by which they have endeavoured to provide for the interchange of traffic between different lines.

It is obvious that by establishing a greater degree of regularity in its own proceedings with respect to Railways, the Legislature would acquire a moral control over the Companies, which might exercise a beneficial effect upon the external management of the lines. The sense of an identity of interest between themselves and the community, under the superintendence of the Executive Government, and the conviction that they would be regarded with favour by the Legislature in proportion as they discharged their duties to the public, must operate as a wholesome stimulus to those who are responsible for the conduct of the traffic.

Many suggestions have been offered to Your Committee by witnesses most competent to form an opinion upon this subject; but all of them unite in the conviction, that in order to attain the desired result, the whole scheme of railway legislation must be viewed in a comprehensive spirit, and be guided by consistent adherence to uniform principles.

It has been the practice of Parliament, down to the present time, to deal with each particular Bill as constituting a separate issue, the merits of which are to be decided by separate inquiry, before a tribunal appointed only for that object; and though partial endeavours have, from time to time, been made to introduce some general rules, or to give to the decisions of committees some degree of uniformity, yet these endeavours have attained no decided or complete success; and the result has been, that the legislation of Parliament is, in the highest degree, uncertain; and the preparations of the rival companies for Parliamentary conflict are in the same proportion speculative and costly.

When first the idea of carrying goods and passengers upon railways by means of locomotive power became the subject of public interest and of Parliamentary proceedings, the questions which arose for decision were wholly different from those which now constitute the matter in dispute. That new facilities of transit by means of a railway, successfully carried into effect, would be an advantage to the general community, could not be a subject of controversy; but there was the strongest objection on the part of landowners, and even of cities and boroughs, to admit into their neighbourhood what was then generally considered to be a nuisance of the most objectionable kind. In such a state of things, it was natural that Parliamentary inquiries should take the form of an adjudication between the promoters on the one side, and the local opponents on the other; and that the rules of Parliamentary proceedings, and the constitution of the tribunal, should be adapted to that end. But at the present time the conditions of the problem to be resolved are wholly different. So far from the existence of any general prejudice on the part either of landowners or of towns against the neighbourhood of a railway, the absence of that mode of communication is regarded as an evil to be overcome by local exertions, if it cannot be surmounted through the instrumentality of any of the existing companies. On the other hand, public questions of the greatest magnitude, which had no existence before, have now grown up; and for their solution Parliament has made no specific or satisfactory provision.

When a line is projected through a particular district, it will usually be found that the residents in that immediate neighbourhood are favourable to its construction, because it will add to their convenience, and increase the value of their property; while it may possibly happen that communities at some distance entertain a great anxiety on the subject, on account of the probable effect which the sanction by Parliament of these particular Bills may have upon some more general scheme for the accommodation of a wider district. To illustrate this case, Your Committee would refer to the evidence which has been laid before them by the Mayor of Salisbury, and generally to the great interest which is felt by all the inhabitants of the district intermediate between the Great Western and the South Western Railways; whenever a new branch is projected, the construction of which is calculated to give either to the broad or to the narrow gauge a balance of advantage in the rivalry which now exists between those two systems for the communications between the metropolis and the south-western parts of England.

A line projected in any neighbourhood may be advantageous, and entitled, according to the rules by which Parliamentary Committees are now guided, to a finding

a finding upon its preamble, and yet it may not be the most advantageous line, or that which upon a wider view of the general public interest ought to be adopted; and since the district cannot support more than one line, its construction ought not, with a comprehensive regard to the good of the community, to be sanctioned. If it should be urged in reply that the rules of *locus standi*, though technically excluding this more general view, are in practice elastic, and through the use of a landowner's opposition, the merits of a competing scheme and the general convenience of the adjoining district can be examined, it seems to Your Committee that this cannot be held to be true beyond a limited extent, and at any rate that the main question in which the good of the whole community is involved, should be raised not incidentally, but directly, and that all the rules of the proceeding, and all the energies of the tribunal, should be mainly pointed to that object.

But a consideration of still greater practical importance remains behind. It is no disparagement of the private Committees of the House to say that their decisions are regarded out of doors as fortuitous and inconsistent with each other; since it is manifestly impossible to decide such a controversy as, for instance, that to which Your Committee have just referred, viz., a controversy between the gauges, without reference to some general principle on which the regulation of the gauges should proceed; nor can any Committee have reasonable ground for believing that any general principle which they may lay down for themselves will govern the proceedings of the Committee which in an adjoining room may be occupied in deciding another controversy with respect to the extension of the broad or narrow gauge in some other part of the kingdom. It is also worthy of being noticed, that under the present system it is frequently not the interest either of one side or of the other to bring out in evidence the whole case, and that a Committee, unaccustomed to such investigations, is unable to push the inquiry further than the counsel may think proper to direct them; whereas a Committee practised in the subject-matter would detect with far greater certainty and rapidity what are the points of the controversy to which their most careful attention ought to be particularly turned.

Your Committee have thus especially adverted to the question of the gauge by way of illustration, because it has occupied so prominent a place in the conflicts of railway companies, and has engaged in so peculiar a manner the attention of Parliament. In 1845, in answer to an Address from the House of Commons, the Crown appointed a Commission to investigate the merits of the rival gauges, and to lay down some general rules for the future guidance of Parliamentary Committees. Resolutions based upon the Report of that Commission were adopted by both Houses, and an Act of Parliament was passed in the hope of effecting a permanent and satisfactory solution of that problem. But what Parliament had thus undertaken to settle by general legislation, Parliament, in compliance with the finding of Private Committees upon the special circumstances of each case, forthwith proceeded to unsettle; and the result has been the construction of the broad in combination with the narrow gauge, in some instances where the general settlement contemplated the narrow gauge only; the narrow in combination with the broad, where the broad only was contemplated; and thus has arisen an uncertainty which causes, throughout a territory extending from Exeter to Birkenhead, all the evils of hostility, intrigue, depression of property, and total absence of any uniform and comprehensive adjustment of railway enterprise to the exigencies of public requirement.

Nor is it possible that this should be otherwise, while the rules of Parliamentary proceeding on Private Bills remain unaltered. In a country so rapidly advancing in prosperity as England, and in respect of a system so new, and where so much is still matter of progress and of experience as the system of railway communication, and where such great interests are involved, and so much ability and enterprise are constantly at work, it is futile to lay down general rules in words, unless provision be made for the steady application of those rules to the varying circumstances which from time to time arise. Hence all the most intelligent witnesses whom Your Committee have examined have pointed to some tribunal which might be invested by Parliament with so high a degree of authority as to give weight and stability to its decisions; and thus, by creating in the public

mind a more certain anticipation as to the result of Parliamentary conflict, discourage idle or unprincipled speculations, and give to railway property that confidence which is not only desirable to the holders of that property, but might be made eminently conducive to the public good.

That this tribunal cannot be erected altogether without the walls of Parliament, appears to Your Committee to be obvious, both from general considerations of the nature of representative government, and from the experience of such attempts as have been heretofore made to lighten the labours of Parliament by preliminary inquiries upon different subjects, conducted through the agency of the Executive Government. In regard more particularly to the subject of railways, Your Committee would remind The House that a precaution intended to secure to the public the full benefit of ready communication and moderate charge, inserted in the first Railway Bill, with the sanction of Mr. Huskisson, has proved inoperative; while the plan pursued by Lord Dalhousie, in 1845, of subjecting each particular scheme to detailed investigation—though universal opinion testifies to the zeal, carefulness, and ability of those investigations—failed to ensure the general confirmation of its recommendations by the Committees to which they were submitted.

Before the meeting of Parliament in 1846, a scheme was prepared by Sir Robert Peel's Cabinet, and submitted to Committees of both Houses, for the purpose of determining what Bills should be proceeded with, and what should be abandoned: but this scheme was not adopted by those Committees, and had no practical effect. In 1846, a Committee on Railway Acts Enactments, recommended the constitution of a tribunal which might command the public confidence, and the Railway Commission was accordingly appointed. But in 1847 the Bill for sanctioning the additional powers with which it had been proposed to invest them, did not pass into a law. In 1848, the Commission was partially reunited to the Board of Trade; and in 1851 it ceased altogether to exist as a separate department.

In 1846, another Committee recommended the institution of preliminary inquiries for various classes of Private Bills. In 1847, these inquiries having already been found by experience to be troublesome and expensive, were partially discontinued; and in 1850, the system was abandoned in respect of all cases, except those within the jurisdiction of the Board of Admiralty, after a consideration of its working by a Select Committee, who reported to The House: "Your Committee, therefore, have come to the conclusion that, in saving Parliamentary expenses, and in economizing the time of Members engaged in Committees, the Preliminary Inquiries Acts have been on the whole unsuccessful. To the ordinary expenses of a Parliamentary contest they have added the further expense of a local inquiry, and have not generally tended to shorten the proceedings of Committees."

Your Committee, therefore, believing that neither general rules, without security for the steadiness of their application to varying circumstances, nor zeal and ability in any tribunal acting upon less than Parliamentary authority, will secure the desired result, recommend to The House, that the mode in which Railway Bills are now disposed of by Parliament should be reconsidered, with a view of ensuring the better application of uniform and consistent principles to a subject so essentially requiring to be dealt with in a comprehensive spirit, and of which the decision so materially affects the present and future advantage of the whole community.

Your Committee have considered how this object might be best attained, and have received from Mr. Speaker his opinion upon the subject in a letter which will be found in the Appendix. Sustained by so high an authority, Your Committee recommend the institution of a Standing Committee for the consideration of all Railway and Canal Bills, somewhat resembling in its constitution the Committee which was formerly known in the House of Commons as the Committee on Petitions for Private Bills.

It seems to Your Committee that the labours of such a permanent Committee might, by judicious arrangements, be rendered far less onerous than would at first be

be supposed. It appears that the following Committees upon Railway Bills have sat during the last seven years, viz.:

In 1846 -	64	Committees have sat for	867	days.
1847 -	52	„ „	635	„
1848 -	14	„ „	176	„
1849 -	11	„ „	73	„
1850 -	15	„ „	113	„
1851 -	14	„ „	131	„
1852 -	15	„ „	137	„

giving, if we exclude the abnormal years 1846 and 1847, an average of 14 Committees in each year, and nine days for each Committee. Your Committee anticipate that, from the securities which they suggest should be taken against merely speculative projects, from the confidence which the knowledge of the appointment of a Standing Committee would give to railway property, from the enunciation of general and clearly-defined principles upon which legislation shall in future proceed, and in conformity with these principles the speedy establishment, by the decisions of the Standing Committee, of a more uniform practice, many of the most difficult questions would disappear, and the whole pressure of railway business upon Parliament would be materially lightened.

Your Committee strongly recommend that in future no mere adventurers shall be permitted to obtain the sanction of Parliament to Bills, embodying schemes which they have no intention of carrying into effect, but purpose using as a means of extorting advantage from the *bonâ fide* undertakers of railway enterprise in the district; and that in the new lines hereafter to be formed for the accommodation of districts not now sufficiently supplied, a full investigation should be made by the Committee of the probable effect of those lines upon the existing communications, in order that in each division of the country that arrangement may be adopted which will most conduce to general facility of intercourse by railways throughout the kingdom.

In cases where no opposition was recorded, as in Bills for simplifying the financial arrangements of the Companies, for making increased accommodation at stations, or short branch lines, the expense which now attends the passing of such bills might perhaps be diminished. In contested cases, careful arrangements should be made, by which established railway companies, and municipal or other public bodies, might raise the question of public advantage; and in order to secure the fairness with which this issue should be raised and tried, some provision might be made for the payment of costs, in case of an illusory, vexatious or unwarranted opposition.

The question of admission to *locus standi* upon public grounds would be decided in every doubtful instance by reference to the Standing Committee; and if the nature of the case disclosed did not correspond with the allegations on which the *locus standi* was conceded, the parties would be liable to costs.

No landowner, petitioning only as such, alleging no general public ground, and not liable to the provisions as to costs, should be heard upon the general question of public advantage; but in such cases the inquiry should be limited to such investigations as the Committee might think it right to institute into the nature of the residential or other damage which the proposed scheme would entail upon him. In minor cases it is probable that the most satisfactory and economical course to the landowner, and most convenient to the Committee, would be a reference to some competent person, who might institute a local inquiry, and upon whose report the Committee would proceed. These local investigations, if conducted by competent engineers, would afford an opportunity for deviations from the line laid down upon the plan, by which the objections of landowners might be obviated with great convenience and at small expense.

In disposing of the cases of public interest, raised in the manner to which reference has been made, the Standing Committee would probably proceed as follows. Having adopted a principle of territorial arrangement, they would divide the Bills into groups, and distribute them to separate committees, composed of, or at least presided over by, members of their own body, assigning to each

division of the kingdom such members as happened to be free from personal interest in, or Parliamentary connexion with, each district respectively; reserving for the consideration of the whole Committee questions of general principle, and making such arrangements as might be requisite for the schemes which intersected the divisions. The Sub-committees, thus arranged, would proceed to analyse the questions in contest in their respective districts, and to hear the parties by counsel, agents, and witnesses, in the manner they might think best calculated for arriving at a deliberate judgment. It is possible that in some cases all parties might be satisfied, and the Committee might think it expedient to refer to some eminent engineer the decision of some difficult and complicated question, and be guided in their finding by his report; as in the controverted question of the Liverpool Waterworks, the dispute which had lasted for years, and occasioned great inconvenience, was disposed of by reference to Mr. Stephenson, who, first examining the subject as an engineer, and then, hearing all parties in open Court, issued his award.

But however this might be, the finding of the Committee, and that alone, would be the authority under which any scheme would receive the sanction of Parliament.

If, at a future period, by the increase of traffic and the observance of the rules laid down by Your Committee, the profits of the several companies should appear to Parliament to render necessary a revision of their respective tariffs, it will at all times be in the power of the Permanent Committee to deal with those questions; and to attach to the Bills which come before them such conditions as may appear to be required by a due regard to the public interest.

The Railway Department would be in possession of much information which would be valuable to the Committee: and they should present at the commencement of the Session, a comprehensive Report upon the general nature of the schemes for the year; together with detailed Reports upon the provisions contained in the several Bills. For all questions which it might be found convenient to dispose of in the way of reference, the agency of the department would at all times be available, whenever the Committee should require it.

The practice of proceeding before separate Committees has led to other evils which Your Committee think it would be possible to obviate, such as the canvassing by agents for votes upon the different stages in the House; the accumulation in the Statute Book of differing and anomalous provisions, the repeal by private legislation of public and deliberately considered enactments, and the general uncertainty and confusion arising from these circumstances. The appointment of a Permanent Committee would manifestly tend to the removal of many of these evils.

Mr. Rowland Hill attended before Your Committee to explain a Bill, which has been approved by successive Postmasters-general, for conferring on the Post-office greater powers in its dealings with the Railway Companies. Your Committee think it is reasonable that the Companies should afford to the Post-office, at the same charge as would be paid by private individuals for similar services, every assistance which might add to the convenience of the public. They think that no Railway should have any claim to be considered as fulfilling its obligations to the district in which it is situate, which fails to facilitate in this way the postal communications of that district.

Your Committee have considered with care the subject of safety. The numerous cases of fatal accident which occurred during the past winter, and the judicial investigations which ensued upon them, invested this portion of their inquiry with particular interest. It appears that the following is the proportion of the accidents to passenger trains which have occurred during the last four years:

	1849.	1850.	1851.	1852.	First Six Months of 1853.
Mileage open - - - - - -	6,031	6,621	6,890	7,336	7,512
Number of Passengers carried - -	63,841,539	72,854,422	85,391,095	89,135,729	—
Number of Accidents to Passenger Trains	44	60	60	65	40
Number of Passengers killed and injured by causes beyond their own control by the above Accidents - - - - -	78	175	363	381	123
Number of Servants of Railway Companies killed and injured by the above Accidents - - - - - - -	34	31	20	51	29

Your Committee have directed their attention to the different practice which prevails between the application of the Criminal Law to railway accidents in Scotland and in England, and have examined as witnesses the Lord Advocate and the Solicitor-general for Scotland. Upon an examination of the returns it does not appear that there is any difference in the relative proportion of accidents favourable to Scotland; the statement of averages for the last four years, in England, Scotland, and Ireland, being as follows:

	In England.	In Scotland.	In Ireland.
Mileage open - - - - - - -	5,192	939	588
Number of Passengers carried - - -	63,025,023	8,941,803	5,838,869
Number of Accidents to Passenger Trains -	47	8	1·75
Number of Passengers killed and injured by causes beyond their own control by the above Accidents - - - - - - -	217	32	·5
Number of Servants of Companies killed and injured in the above Accidents - - -	31	2·5	·75

In Ireland, where the traffic is light, it will be perceived that the cases of accident are very rare.

A distinction of law which prevails here, and for which no very sound reason is apparent to Your Committee, is not admitted in Scotland; viz., that an accident, arising from culpable negligence, is not generally the subject of criminal proceeding, unless it is followed by the death of the person injured. If it be right, as doubtless it is, that the culpable negligence of railway managers resulting in death to a traveller should be manslaughter, there seems no good reason why the same negligence, resulting in serious injury or in risk of life or of limb, should not constitute a crime. Your Committee have ascertained that a Bill now before the Upper House contains a provision which, if adopted by Parliament, will assimilate the English to the Scotch law in that respect; and as this provision is applicable not only to railways, but to steam-ships, and generally to all cases of risk to human life, it appears to Your Committee more suited to general criminal legislation than to a measure which might emanate from a Committee whose inquiries are confined to the subject of railways only.

But Your Committee submit to The House that it would be very desirable, with a view to the more effectual working of the law as it is in Scotland, and to the law either as it is or as it may be in England, that more effectual provision should be made for the direct individual responsibility of those who conduct the

traffic on the railways. Your Committee consider that, in every case, some one managing Director, or other officer appointed by the company, should be held responsible for the safe conduct of the traffic, and that he should be invested with such authority as might be necessary to enable him to conduct it with efficiency and safety. Subject to this authority other persons, each responsible for his own department, as a resident engineer for the state of the line, and a locomotive engineer for the efficiency of the rolling stock, should be appointed, in order that, in case of accident resulting from culpable negligence, the person in whose immediate department that negligence had occurred, might be known. When the accident was the result of breach of regulation, the inferior officer guilty of such breach would, of course, be the person responsible; but a review of the accidents which have recently occurred, and of the legal proceedings and official correspondence connected with them, satisfies Your Committee that the absence of any sufficient code of regulations, in other words, reprehensible negligence on the part of those whose duty it is to lay down such regulations, has been a frequent cause of evil. In some instances the defective state of the lines themselves has caused the accident; and in many instances when accident has not actually occurred, it has appeared in evidence that sufficient assurance is by no means afforded to the public for the proper state of the lines. The very unusual weather of the last winter may be admitted as one of the reasons of this defective condition of the railways; but it is to be feared that a much more operative cause has been the smallness of the dividends paid to the unguaranteed shareholders, their pressure upon the Directors, and the consequent endeavour of the Board to carry retrenchment to the utmost limit. It is obvious that considerations of public safety should not yield to a desire for economy; that true economy is not promoted by the neglect of necessary repairs; and that if the pressure of shareholders operate prejudicially, some provision should, if possible, be made by law which would ensure to the Directors and to the travelling public a remedy against these evils. Your Committee anticipate that the necessity for registering a Managing Director or other responsible officer would tend to ensure the appointment of an individual whose official reports could not safely be disregarded by the Board, and whose positive requisitions for purposes of repair the shareholders could not readily dispute. It would thus tend to erect a class of professional men of high position, under whom the discipline and management of the lines might be expected to acquire consistency, and to attain to a greater degree of safety.

The existence of a public prosecutor in Scotland is a circumstance bearing directly upon the difference between the stringency of the Scottish and that of the English law in regard to railways. As this is a matter of general law, Your Committee do not propose to discuss it at much length. In England experience is adverse to public prosecutions, which, being alien to the ordinary practice of the criminal law, have been regarded with disfavour, and have usually failed to obtain the conviction of the parties arraigned. Your Committee are, however, of opinion, that even if the general law remain unaltered, there might be cases in which the Railway Department of the Executive Government might with advantage direct the Solicitor of the Treasury to watch the proceedings at an inquest, or to conduct a trial at law against the persons guilty. It must at the same time be remembered, that at present the companies generally afford every facility to the officers of the Board of Trade for inquiring into the causes of any accident which has occurred; and that if proceeding by the Treasury Solicitor is contemplated in any case, it will be necessary to give to the Executive more stringent powers of investigation than those with which they are now invested by law.

Your Committee find that it has been the practice of the Railway Department to urge upon the companies, in the way of advice, the adoption of measures which from time to time have appeared to them advisable, as tending to diminish the risk of danger; but that they have no power of compelling the companies to adopt them against the judgment of their own officers. In the month of January, Captain Simmons, the secretary of that department, was commissioned to examine the railways in France and Belgium, with a view of ascertaining the precautions taken in those countries for ensuring safety. As respects some of the lines, where the traffic is light and the speed is low, no fair comparison could be instituted with the lines in England. But of the Great Northern of France,

Captain

Captain Simmons says, that in mileage, traffic, speed of trains, and many of its natural circumstances, it may fairly be compared with some of the principal railways in this country; that the line was not superior in construction, nor better maintained than these lines; that it was deficient in signals, and yet that, so far as he could ascertain, accidents were rare. This he accounted for by the observation that the line was always kept clear and the police regulations were good. The rules by which railways are governed in France have been laid before Your Committee *in extenso*, and will be found in the Appendix to their Report. It will be evident, from reading them, that however suitable some of the provisions may be for adoption by the companies, as an example, yet that their institution by the Executive Government, in detail, and their enforcement by law would involve a great change in the relations between private enterprise and the Government as they have heretofore existed under our free institutions. To what extent it might be expedient to adopt such a change, Your Committee have been assisted in considering by reference to the Report, to which Your Committee have before referred as having been recently presented to the American Congress upon the same subject:—

In that Report it is observed, "If these views show the necessity of supervision, we are next to inquire in what manner it should be exercised. Should authority be given to interfere with the details of railroad management, to regulate the running of trains, to arrange time-tables, to appoint and remove, or otherwise punish *employés*, for neglect or violation of duty, &c., it is possible that instances may occur where interference of this kind might be necessary; but the committee can see many reasons why recourse should not be had to it, at least until it shall become apparent that the object in view cannot be attained by other means. The working of a railroad requires the accurate arrangement of a great variety of details, and a prompt discharge of all the duties assigned to the several departments of its management. To divide the authority from which the regulations necessary to effect these objects must emanate, would give rise to confusion and embarrassments, engender bad feeling and hostility on the part of companies, take from the officers their responsibility, and might result disastrously for the safety of the public."

It is evident, that in any system requiring strict and efficient discipline, the responsibility for the conduct of servants must rest upon those who appoint and pay them; and as this duty cannot be transferred from the principal officers or directors of the company to the Executive Government, it is essential that nothing be done to relieve from the legal responsibility which attaches to them those in whom practically the power of ensuring efficiency will vest.

Of all the causes which have led to accident, unpunctuality is the chief; the collision of passenger trains with goods trains and excursion trains has been the chief occasion of the serious loss of life which has recently occurred; these goods trains and excursion trains being uncertain in their times, and consequently causing derangement in the general traffic. On the Continent it is possible for the executive government to guard effectually against this evil, for goods need be only forwarded when the loading is sufficiently full to suit the convenience of the Company; and passengers can be refused admittance when the engine is loaded as heavily as the rules of the line permit. But in this country, although the observance by the officers of the Company of rules calculated to ensure safety is an object to which they should be held by the legal conditions of their office, inasmuch as they have it in their power to increase the weight of their engines and the number of trains; yet if such conditions were enforced by the direct action of the Executive Government upon companies reluctant to observe them, the consequence would be delay and obstruction of the traffic, and serious inconvenience to the public, and under such circumstances, the Company would relieve themselves from the blame by casting it upon the interference of the Government.

It seems, therefore, more suitable to the exigencies of the case, that the managing directors of the several lines should be required to act under a more direct sense of individual responsibility, and with the knowledge that the Legislature will not consider the Companies as fulfilling the conditions of their relation towards the public if they fail to supply all reasonable convenience to the district in which the line is situate.

The production, before the coroner, at the time of an inquest, of the registers in which the arrival and departure of the trains at the different stations is recorded, would substantiate the fact of punctuality or unpunctuality in the arrival of the trains. It would be right that access to these registers should at all times be open to the officers of the Railway Department, and that false entries of time or other particular in such registry by any servant of the company, should be punishable at law. It is necessary for the ordinary routine of business that records should be made by the working engineers of the state of the rolling stock; and from these records much useful information may be gained, for the prevention of accidents arising from the inefficiency of that stock.

There is one point connected with the management of Railways to which public attention has been much directed; viz., the possibility of connecting the guard with the driver of the engine. Your Committee find that the want of this communication has been a constant subject of correspondence between the Railway Department and the several Companies. One mode of effecting it, by an arrangement of the guards who accompany the trains, and the addition of wooden platforms with hand-rails to the carriages, is so plain and easy, that it would long ago have been adopted, but for the necessity which it is stated that it would have entailed upon some of the Railway Companies of changing the arrangement of their stations in connexion with the turn-tables. These obstacles, so apparently minute, have been sufficient to prevent the introduction of an obvious good; and from the system of interchanging carriages between different Companies, it is necessary that all should adopt the same plan, in order to secure to the public the full advantage of its use by any one. Captain Simmons has laid before Your Committee a memorandum, which will be found in the Appendix, on the mode by which this communication is accomplished on the Continent; and the Committee of the Railway Clearing House have also produced in evidence their proceedings on the subject. It is satisfactory to Your Committee to report that, after full investigation, the Committee of the Clearing House have adopted a scheme which they declare to be free from difficulty, and assure Your Committee that they are about to carry into immediate effect on the Railways which belong to the Clearing House. Your Committee therefore think that any of the officers of any of the railway companies who neglect hereafter to employ so obvious a means of diminishing the risk of accidents, may justly be held to be without excuse.

For the purpose of carrying into practical effect these general views, Your Committee recommend:

1. That the mode in which Railway Bills are now dealt with in the House of Commons should be revised, with the view of securing, by the institution of a Committee of a character more permanent than has heretofore been the practice, a comprehensive review of all schemes submitted to Parliament in every Session. That to this Committee the Railway Department of the Government should afford all the advice and assistance which the Committee may desire.

2. That, for the investigation of contested Bills, the Committee should divide the whole country into districts; should decide questions of principle, and make arrangements for the decision of questions in which more than one district might be interested; and should so direct the investigation of schemes within the several districts, as to secure for the public, within each of them, the utmost advantage which might be derived from a judicious combination of new lines with those which already exist; they should also make provision for facilitating the passing of unopposed Bills.

3. That no scheme should be investigated without security being taken, that in the event of its passing into a law, the works will be actually made.

4. That the practice of *locus standi* should be adapted to the necessity which exists for trying in a direct manner, and with a comprehensive regard to the general advantage, the public issue involved in any scheme; and that provision should be made for the payment of costs, in cases where the proceedings of any party shall appear to have been illusory, vexatious, or unwarranted.

5. That working arrangements between different companies, for the regulation of traffic, and the division of profits, should be sanctioned, under proper conditions,

tions, and for limited periods; but that amalgamation of companies should not be sanctioned, except in minor or special cases, where it clearly appears to the Standing Committee that the true and only object of such amalgamation is improved economy of management, and consequent advantage to the public.

6. That running powers should, generally be discouraged, on the score of danger, and conceded only in cases where the public object of free transit from one system to another cannot practically be ensured by other means.

7. That every railway company should be compelled to afford to the public, in respect both of goods and of passengers, the full advantage of convenient interchange from one system to another; to afford to every class of traffic, including postal communication, just facilities; and to observe all statutory provisions, especially those requiring equal charges under the same circumstances; and that where complaint arises that any company has violated any of these obligations, provision should be made for the hearing and decision of such complaint in open Court, with power to make use of the interference of the Railway Department, for the purpose of ascertaining, by what specific and detailed arrangements such complaint may be effectually redressed.

8. That where any dispute arises between two, or more Railway or Canal Companies, and the Companies agree to refer it to the Board of Trade, that Board should be empowered, if it think fit, with a view to the public interest, to entertain the reference, and its decision should be valid and binding on the Companies.

Since the general principle of increasing the stringency of the criminal law in England, so as to render liable to prosecution persons guilty of culpable negligence tending to the risk of human life, even in the cases in which no fatal consequences ensue, is under consideration in a Select Committee of the House of Peers, to which a Bill, embodying such a provision, has been referred, Your Committee having already stated their views upon this subject, now recommend that for the better management of railways it will be desirable —

9. That every Board of Directors should be required to register with the Railway Department some one person, to whom should be delegated the chief authority over all the external discipline of the company and its servants; also, for every part of the line, some person should be registered as resident engineer; and for every portion of the locomotive stock, some person as locomotive engineer.

10. That the general regulations of each company, from time to time in force, should be transmitted to the Railway Department, and that the inspectors of that department should have power at all times to examine the books in which the arrival and departure of the trains from the several stations are registered, and the books in which the particulars of the moving stock of the company are recorded; also, in cases of inquiry into the causes of accident, to examine the servants of the company.

11. That provision should be made for enforcing the means of constant communication between all the servants, to whom the safety of the passengers in any train is entrusted.

8 *July* 1853.

PROCEEDINGS OF THE SELECT COMMITTEE.

Martis, 14° *die Decembris*, 1852.

MEMBERS PRESENT:

Mr. E. Denison.	Captain Jones.
Mr. Strutt.	Mr. Henley.
Colonel Mure.	Mr. Gladstone.
Mr. Laffan.	Mr. W. Patten.

Mr. HENLEY was called to the Chair.

Adjourned to Thursday next, at one o'clock, to hear the representations of Parliamentary Agents respecting the question of consolidation and the railway legislation of the present Session.

[Adjourned to Thursday next, at One o'clock.

Jovis, 16° *die Decembris*, 1852.

MEMBERS PRESENT:

Mr. HENLEY in the Chair.

Mr. Laffan.	Colonel Mure.
Captain Jones.	Mr. J. E. Denison.
Mr. Wilson Patten.	Mr. Deedes.
Mr. Strutt.	

Mr. *Pritt*, Mr. *Coates*, and Mr. *George Ellicombe* attended pursuant to request, and were severally examined, and heard.

The Committee deliberated.

Motion made, and question proposed, "That it is the opinion of this Committee that all Railway Bills introduced into The House during the present Session should, as a general rule, be made integral in themselves, and that the greatest caution should be exercised in admitting into them, otherwise than by specific enactment, provisions which repeal, continue, or extend the powers of former Acts, and that the attention of Committees on Private Bills should be directed to this point."

Question put, and agreed to.

Ordered,—To report the above Resolution to The House.

Veneris, 11° *die Februarii*, 1853.

MEMBERS PRESENT:

Mr. HENLEY in the Chair.

Mr. Bright.	Captain Jones.
Mr. M. Milnes.	Mr. W. Patten.

Lunæ, 14° *die Februarii*, 1853.

MEMBERS PRESENT:

Mr. CARDWELL in the Chair.

Mr. Evelyn Denison.	Mr. W. Patten.
Mr. Bright.	Mr. M. Milnes.
Mr. Strutt.	Mr. Deedes.

Resolved,—That the chairman be instructed to move in The House the following Resolution: "That no Railway Bill, containing any powers for amalgamation, lease, working arrangement, or other combination of interest, between different companies, be read a second time before the 14th of March."

[Adjourned till Wednesday, at One o'clock.

Mercurii, 9° *die Martii*, 1853.

MEMBERS PRESENT:

Mr. CARDWELL in the Chair.

Mr. Henley.	Mr. M. Milnes.
Mr. Strutt.	Mr. E. Denison.
Captain Jones.	Colonel Mure.
Mr. Bright.	Mr. Labouchere.
Mr. Laffan.	Mr. Deedes.
Mr. W. Patten.	

Resolved,—That no Railway or Canal Bill containing any powers of amalgamation, lease, working arrangements, or other combination of interest, between different companies, be read a second time before the 11th day of April next, unless the parties interested in promoting such Bill shall elect to proceed with the same on the terms of striking out in Committee all such powers aforesaid.

[Adjourned to Friday, at One o'clock.

Veneris, 18° *die Martii*, 1853.

MEMBERS PRESENT:

Mr. CARDWELL in the Chair.

Mr. Strutt.	Colonel Jones.
Mr. Henley.	Mr. Laffan.
Mr. Labouchere.	Mr. W. Patten.

Resolved,—That the Evidence be reported to The House, up to this day inclusive.

Ordered,—That there be laid before this Committee a return from all railway companies and all companies for river and land navigation, of all agreements which now are, or within the last three years have been, in existence between the company and any other railway or river or canal company, with relation to the appointment or division of traffic on the produce thereof.

Resolved,—That the Committee, at its rising, do adjourn to Tuesday, 5 April, at One o'clock (to be summoned).

[Adjourned to Tuesday, 5 April, at One o'clock.

Veneris, 8° *die Aprilis*, 1853.

MEMBERS PRESENT:

Mr. CARDWELL in the Chair.

Mr. Henley.	Captain Jones.
Mr. Strutt.	Mr. E. Denison.
Mr. Bright.	Mr. Laffan.
Mr. M. Milnes.	Mr. W. Patten.
Mr. Deedes.	

Draft Report proposed by Chairman, read second time, further considered paragraph by paragraph, and amended.

Report, as amended, read and agreed to.

[Adjourned to Monday, at One.

Lunæ, 11° *die Aprilis*, 1853.

MEMBERS PRESENT:

Mr. CARDWELL in the Chair.

Mr. Henley.	Mr. W. Patten.
Mr. Strutt.	Captain Jones.
Mr. Monckton Milnes.	Mr. Labouchere.
Captain Laffan.	

Committee deliberated.

[Adjourned to To-morrow, at Two.

Martis, 12° *die Aprilis*, 1853.

MEMBERS PRESENT:

Mr. CARDWELL in the Chair.

Mr. Henley.	Mr. E. Denison.
Mr. M. Milnes.	Mr. Strutt.
Captain Laffan.	Mr. Labouchere.
Mr. W. Patten.	Captain Jones.

Committee deliberated.

[Adjourned to Thursday, at Twelve (to be summoned).

Jovis, 14° *die Aprilis*, 1853.

MEMBERS PRESENT:

Mr. CARDWELL in the Chair.

Mr. Strutt.	Mr. J. E. Denison.
Captain Jones.	Mr. W. Patten.
Mr. Laffan.	Mr. M. Milnes.
Mr. Henley.	

Committee deliberated.

Resolved, That it is the opinion of this Committee, that no Railway or Canal Bill, containing any powers of amalgamation, lease, working arrangement, or other combination of interest between different companies heretofore incorporated, except where the combination of interest is limited exclusively to an interest in new works to be executed, or for the execution of which time is to be given under powers to be conferred in the present Session.

Lunæ, 13° *die Junii*, 1853.

MEMBERS PRESENT:

Mr. CARDWELL in the Chair.

Mr. Henley.	Mr. Evelyn Denison.
Mr. Labouchere.	Mr. Laffan.
Mr. Strutt.	Mr. M. Milnes.
Captain Jones.	Mr. Bright.

The Committee deliberated upon their Report.

[Adjourned.

Jovis, 17° *die Junii*, 1853.

MEMBERS PRESENT:

Mr. CARDWELL in the Chair.

Mr. Strutt.	Mr. Evelyn Denison.
Mr. Henley.	Mr. Bright.
Mr. Labouchere.	Mr. Laffan.
Captain Jones.	Mr. M. Milnes.

The Committee deliberated upon the Draft Report.

[Adjourned.

Veneris, 1° *die Julii*, 1853.

MEMBERS PRESENT:

Mr. CARDWELL in Chair.

Mr. Strutt.	Mr. Harley.
Captain Jones.	Mr. Evelyn Denison.
Mr. Monckton Milnes.	Mr. Wilson Patten.
Mr. Bright.	Mr. Labouchere.
Colonel Mure.	Mr. Gladstone.
Mr. Laffan.	

Proposed Report by Mr. Evelyn Denison, read a first time, as follows:—

"SELECT COMMITTEE appointed to consider the Principle of Amalgamation; and the Principles which ought to guide The House in Railway Legislation.

"IF the last point, viz., 'the Principles which ought to guide the House in Railway Legislation,' were first considered, a judgment upon it might govern in some degree the decision upon the first point, viz., that of amalgamation.

"The Committee first considered how far the principle of competition, which has been up to this time the ruling principle, had been effectual for its purpose in the case of Railways; and it is their opinion, that the principle of competition cannot be relied on as an effectual control on Railways.

"The legislation on Railways has been greatly wanting in uniformity and consistency; some amendments are required to improve its character in these important particulars.

"That a Government Board for the management of Railways be established; with powers to regulate matters relating to public convenience and to public safety; to adjudicate between rival companies, and to establish harmonious action through the Railway system."

"It would be the duty of this Board to consider all the proposals for new railways; and, taking a comprehensive view of the entire existing system, to assist the deliberations of Parliament by information and suggestions tending to the desired end of uniformity and consistency of practice.

"To give effect to the assistance thus afforded, it would be necessary for The House to change the constitution of Select Committees.

"A Standing Committee should be appointed, of which the head of the Railway Board should be a member. To this Committee he would bring an amount of information and

knowledge, as regards the existing Railway system and its proposed extensions, which no independent Member of Parliament named on a Committee at the commencement of a Session could by possibility possess.

"The establishment of this improved system would have an important effect on the questions of amalgamation and running clauses. It would probably result, from the combined action of the Railway Board and the Standing Committee, that existing Railways would feel their position strengthened, and that increased security was given to their property. This might alter their view as to the desirableness of a fusion of their property into one stock; and it might be prudent to postpone any positive decision on the question of amalgamation until both the Railway bodies and Parliament had had some experience of the improved system.

"The question of running clauses would become more easy of solution by the establishment of a Railway Board, with extensive powers, acting in concert with the Standing Committee. It would be rarely, if ever, necessary to grant running powers when a Railway Board was established with powers to grant due facilities for the conduct of the traffic of the entire kingdom."

Proposed Report by the Chairman, read a first time.

Motion made, "That the Committee proceed in the first place with the recommendations at the close of the Report proposed by the Chairman, and afterwards with the Report, paragraph by paragraph." Question put, and agreed to.

Paragraph 1, read, as follows:—

"1. That the mode in which Railway Bills are now dealt with in the House of Commons should be revised, with the view of securing, by the institution of a Committee of a character more permanent than has heretofore been the practice, a comprehensive review of all schemes submitted to Parliament in every Session. That to this Committee the Railway Department of the Government should afford all the advice and assistance which the Committee may desire."

Amendment proposed, after the last word "desire," to insert the words, "And that it is expedient that a Member of the Government, connected with the Railway Department, should be a Member of such Committee." (Mr. *Labouchere.*) Question put, That these words be inserted. The Committee divided:

Ayes, 4.	Noes, 7.
Captain Jones.	Mr. Strutt.
Mr. Labouchere.	Mr. Gladstone.
Mr. M. Milnes.	Mr. W. Patten.
Mr. E. Denison.	Mr. Bright.
	Mr. Henley.
	Colonel Mure.
	Mr. Laffan.

So it passed in the negative.

Original question put, and agreed to.

[Adjourned till Friday next, at 12 o'clock.

Veneris, 8° die Julii, 1853.

MEMBERS PRESENT:

Mr. CARDWELL in the Chair.

Mr. Monckton Milnes.	Mr. W. Patten.
Mr. Henley.	Mr. Laffan.
Mr. E. Denison.	Mr. Labouchere.
Mr. Strutt.	Captain Jones.

Paragraph 2, read:—

"2. That, for the investigation of contested Bills, the Committee should divide the whole country into districts; should decide questions of principle, and make arrangements for the decision of questions in which more than one district might be interested; and should so direct the investigation of schemes within the several districts, as to secure for the public, within each of them, the utmost advantage which might be derived from a judicious

judicious combination of new lines with those which already exist; they should also make provision for facilitating the passing of unopposed Bills." Question put, and agreed to.

Paragraph 3, read :—

"3. That no scheme should be investigated without security being taken, that in the event of its passing into a law, the works will be actually made." Question put, and agreed to.

Paragraph 4, read :—

"4. That the practice of *locus standi* should be adapted to the necessity which exists for trying in a direct manner, and with a comprehensive regard to the general advantage, the public issue involved in any scheme; and that provision should be made for the payment of costs, in cases where the proceedings of any party shall appear to have been illusory, vexatious, or unwarranted." Question put, and agreed to.

Motion made, after Resolution 4, to insert, "That a Government Board, for the management of Railways be established, with powers to regulate matters relating to public convenience and public safety; to adjudicate between rival companies, and to establish harmonious action through the Railway system." (Mr. *Evelyn Denison.*) Question put. The Committee divided :

Ayes, 3.	Noes, 4.
Mr. M. Milnes.	Mr. Henley.
Mr. E. Denison.	Mr. Strutt.
Captain Jones.	Mr. W. Patten.
	Mr. Laffan.

So it passed in the negative.

Paragraph 5, read :—

"5. That working arrangements between different companies, for the regulation of traffic, and the division of profits, should be sanctioned, under proper conditions, and for limited periods; but that amalgamation of companies should not be sanctioned, except in minor or special cases, where it clearly appears to the Standing Committee that the true and only object of such amalgamation is improved economy of management, and consequent advantage to the public." Question put, and agreed to.

Paragraph 6, read :—

"6. That running powers should generally be discouraged, on the score of danger, and conceded only in cases where the public object of free transit from one system to another cannot practically be ensured by other means." Question put, and agreed to.

Paragraph 7, read :—

"7. That every railway company should be compelled to afford to the public, in respect both of goods and of passengers, the full advantage of convenient interchange from one system to another; to afford to every class of traffic, including postal communication, just facilities; and to observe all statutory provisions, especially those requiring equal charges under the same circumstances; and that, where complaint arises that any company has violated any of these obligations, provision should be made for the hearing and decision of such complaint in open court, with power to make use of the interference of the Railway Department, for the purpose of ascertaining by what specific and detailed arrangements such complaint may be effectually redressed." Question put, and agreed to.

Paragraph 8, read :—

"8. That where any dispute arises between two or more railway or canal companies, and the companies agree to refer it to the Board of Trade, that Board should be empowered, if it think fit, with a view to the public interest, to entertain the reference; and its decision should be valid and binding on the companies." Question put, and agreed to.

Paragraph 9, read :—

"Since the general principle of increasing the stringency of the criminal law in England, so as to render liable to prosecution persons guilty of culpable negligence tending to the risk of human life, even in the cases in which no fatal consequences ensue, is under consideration in a Select Committee of the House of Peers, to which a Bill, embodying such a provision, has been referred. Your Committee having already stated their views upon this subject, now recommend, that for the better management of railways, it will be desirable: That every Board of Directors should be required to register with the Railway Department some one person, to whom should be delegated the chief authority over all the external discipline of the company and its servants; also, for every part of the line, some person should be registered as resident engineer; and for every portion of the locomotive stock, some person as locomotive engineer." Question put, and agreed to.

Paragraph 10, read:—

"10. That the general regulations of each company, from time to time in force, should be transmitted to the Railway Department, and that the inspectors of that department should have power at all times to examine the books in which the arrival and departure of the trains from the several stations are registered, and the books in which the particulars of the moving stock of the company are recorded; also, in cases of inquiry into the causes of accident, to examine the servants of the company." Question put, and agreed to.

Paragraph 11, read:—

"11. That provision should be made for enforcing the means of constant communication between all the servants to whom the safety of the passengers in any train is entrusted." Question put, and agreed to.

Proposed Report read, paragraph by paragraph, and agreed to.

[Ordered to report.

EXPENSES OF WITNESS.

NAME of WITNESS.	PROFESSION or CONDITION.	Date of Arrival.	Total Number of Days in London.	Number of Days under Examination by Committee, or acting specially under their Orders.	Expenses of Journey to London and back.	Expenses in London.	TOTAL Expenses allowed to Witness.
					£. s. d.	£. s. d.	£. s. d.
Thomas Kimpton -	Carrier - -	9 May and 13 May	4	1	5 8 –	3 – –	8 8 –

MINUTES OF EVIDENCE.

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Peter Blackburn, Esq. - - - p. 1
Thomas Part, Esq. - - - p. 4
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Joseph Locke, Esq., M. P. - - p. 14

Lunæ, 18° *die Aprilis*, 1853.

Samuel Harrison Cowell, Esq., and William Rodwell, Esq. - - p. 28
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Robert Baxter, Esq. - - - p. 71
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Lunæ, 2° *die Maii*, 1853.

Joshua John Peile, Esq., and George Knox, Esq. - - - p. 107
Charles Alexander Saunders, Esq. p. 119
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Colonel Biddulph, M. P., George Hammond Whalley, Esq., M. P., and John Girdwood, Esq. - - p. 123

Veneris, 6° *die Maii*, 1853.

James MacGregor, Esq., M. P. - p. 129
James Maitland Balfour, Esq. - p. 143
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Mr. James Allport - - - p. 148
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Mr. Seymour Clarke - - - p. 171
Mr. James Allport - - - p. 174
Rowland Hill, Esq. - - - p. 175
Mr. Thomas Kimpton and Mr. George Crouch - - - - p. 183

Veneris, 3° *die Junii*, 1853.

Major-General Honourable George Anson, M. P. - - - - p. 185
Rowland Hill, Esq. - - - p. 191

Veneris, 10° *die Junii*, 1853.

Mr. Nicholas Wood - - pp. 195. 206
Mr. Seymour Clarke - - - p. 201

MINUTES OF EVIDENCE.

Martis, 5° die Aprilis, 1853.

MEMBERS PRESENT.

Mr. Cardwell.	Mr. Laffan.
Mr. Labouchere.	Mr. E. Denison.
Mr. Bright.	Mr. W. Patten.
Mr. Henley.	Captain Jones.
Mr. Strutt.	

THE RIGHT HON. EDWARD CARDWELL, IN THE CHAIR.

Peter Blackburn, Esq., called in; and Examined.

2680. *Chairman.*] ARE you the Chairman of the Edinburgh and Glasgow Railway?—I am.

2681. The Edinburgh and Glasgow Railway is proposing to amalgamate with the Caledonian Railway, is it not?—Scarcely to amalgamate; we have a working arrangement by which the receipts shall be divided in common, and the common receipts divided in certain proportions.

2682. Have they not hitherto been competitors, to a certain extent, for the traffic between Edinburgh and Glasgow?—They were at one period, but they have been working on agreed rates for some time past.

2683. Then it may be inferred that you are in favour of what is called the amalgamation of railways?—I am.

2684. What, in your opinion, are the advantages to be derived from railway amalgamation?—There are advantages to the shareholders of companies, of course, from economy of management of railways already constructed, and economy in constructing any future extensions and branches.

2685. In what way would the amalgamation render it more economical to construct new branches?—If two competing companies, or lines that may compete against one another, propose making lines through the same ground, we find, in practice, that we are obliged to pay very much higher prices for the land than if we were the only party proposing to make the line. Then the Parliamentary expenses, if there are two competing lines before Parliament at the same time, come to be very serious.

2686. What are the advantages which you think the public would derive?—In the first place I hold that the shareholders are part of the public, and so far their gain is a gain to the public; but besides that, the railways would be better managed. Their money matters would be in a better condition, and there would be greater safety and more liberality on the part of the railways to the public when their affairs were in good order, than when they were in bad order.

2687. You have spoken of the competition of these two lines having merged in combination, which combination it is now proposed to sanction by an Act of Parliament?—Yes.

2688. Is it your opinion, then, that competition is not to be relied on as a permanent security to the travelling public for cheapness and the other advantages which competition, while it continues, may give?—I think certainly not; it may for a short period of time give low rates, but it does not give them continuously; the parties are quite sure to combine, just as we have done.

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2689. Have you considered what conditions might reasonably be imposed upon railways for the benefit of the travelling public, if the principle of extensive amalgamation should be sanctioned by Parliament?—I go pretty far in thinking that there is nothing which ought reasonably to be imposed upon them at all, because if it is for the good of the public that the railways should amalgamate, why should they make terms for more than an absolute gain? But, at the same time, I do say that the advantage of amalgamation is so great to the railways, that I am quite sure they would make some reasonable concessions to have it carried out effectually.

2690. State the nature of those concessions?—Of course the first is, a regulation of the rates and fares which they should be entitled to charge; that they should not be above a certain amount, perhaps smaller than their present tariff. I am not quite sure that the second is in favour of the public so much, but other railway companies have a right to say, that at the points of junction there should be some power by which other railway companies should be enabled to have their traffic carried forward without obstruction, and on reasonable terms.

2691. It has been represented to this Committee that railway companies have a great power of favouring one class of traffic at the expense of another; for instance, if there are two coal fields, and the one runs over a much longer line of railway than the other, or for any other reason, if they desire to favour one coal field at the expense of another, that they have an opportunity of doing that so as to exclude the one they do not favour from anything like fair competition in the market; are you of opinion that any conditions might be reasonably imposed for the purpose of preventing evils of that kind?—I rather think it is quite fair that railways should carry coals for the greater distance at a lower rate per mile than for the shorter; it would be unfair to oblige them to charge exactly the same; the expenses are not increased in proportion to the mileage run.

2692. It is possible that the company might go beyond that, and charge a little more; are you of opinion, either by arbitration, or any other means, that care should be taken to prevent oppressive conduct?—I have great doubts whether there would be any oppressive conduct, especially on the part of a large company. A small company may be in the power of some particular coal-owner, so as to enable him to control that company, and favour his own trade; but that is not likely to happen with a large amalgamated company. I can see no reason why the company shall favour one over the other, except they get more money by it.

2693. But this might happen as long the two lines were separate; it might be the interest of the one to carry the coals of one coal field, and the other the other, whereas, when they had become united, there might be more profitable employment for the whole stock of the amalgamated company in favouring one particular district?—The case might be so; I think the thing would then be for the individual proprietor to come forward in case of that amalgamation to show his case, and ask for his protection. But I really think that is a very theoretical case, and not very likely to arise.

2694. Mr. *Patten.*] Who would you appoint to decide that question?—The Committee considering that Amalgamation Bill I should think was the proper party.

2695. But suppose it occurred after the Bill had gone through Committee, and the line was in operation, who would you, as a railway proprietor, submit such a case as that too?—The difficulty I see is, that that brings in the whole question of submitting the independent rates of a railway company to the arbitration of some other party. I do not think that would be an advisable thing to do; and although you might imagine such a case of hardship to arise, I do not believe it at all likely. I would not for that chance bring the whole question of rates under arbitration.

2696. In fact, you would leave the question of differential rates between the party who goes over a long distance of road, and another who goes over a short distance, entirely in the power of the company?—I would indeed; it is not a question for the public at all; it is whether the coalowner would get more or less profit from his coal pit, or the carrying company more or less profit from carrying.

2697. Would you apply that rule to all companies, whether they are large companies

companies like the London and North Western, or whether they are small companies of five or six miles in length?—Yes, that you should have the same power of arranging the rates.

2698. Do you think in small lines that that rule could be used so as to be injurious to some particular coalowner?—I think in small lines it may fall into an interest too great, and separate from that of the carrying company, that a party may wish to shut out other coal for the sake of his own coal. That is not so likely to happen in a large company as in a small company.

2699. Is not that a very dangerous thing for a company possessed of a very small line?—It is a thing that has happened before now, that the rates have been altered to suit the convenience of individuals.

2700. *Chairman.*] Do you happen to know that there is a complaint in the coal fields traversed by the Caledonian, that the rates have been increased for carrying coals since the arrangement between that company and the Edinburgh and Glasgow Company?—I do not know of complaint; I know the fact of their carrying coals east.

2701. Then you would not think it so purely hypothetical a consequence as you seemed to imagine?—That is not to favour one company's coal field against the other; it is merely the question which way the company makes most profit in carrying.

2702. Then it is your opinion, upon the whole, that amalgamations may be sanctioned to any extent, that the true interest of the companies may be trusted to guide them in the prices they would charge, and that nothing like control or arbitration is necessary in such cases as a protection for the public?—Certainly, further than a limitation of the maximum rate.

2703. By Act of Parliament?—Yes.

2704. And that maximum rate having been settled once for all, however much the traffic increased, and however large the profits of the united company became, you would not think it reasonable that there should be any power for the gradual reduction of those rates?—I think they are at present limited to an amount, which I believe we shall never reach, of 10 per cent. I do not like to call it unreasonable, but I do not think it strictly just to make a bargain, because the parties have turned out not to have embarked in such a profitable speculation as they hoped it might be, to keep them down to a low rate hereafter.

2705. But competition, or separation, having depressed them, if Parliament were now to confer on them much greater security by amalgamation, would you think it unfair to couple that with some terms, with a reduction of rates from time to time in favour of the public?—If there was an absolute restriction of any new line being made, I think it is quite safe; but I do not for my own part think it possible to give such a restriction. I should not trust to its being carried out, for one.

2706. Mr. *Henley.*] You are willing to receive from Parliament the power to amalgamate, but you do not think it just to give anything in return for that privilege?—I think the public gains by the amalgamation *per se*, and I do not see why the public, through Parliament, should ask for more than it gets by the amalgamation.

2707. Can you illustrate in any way the public gain more than you have done in the former part of your evidence?—I only said, generally, it gained better management of the railway, and, consequently, more safety. I think, also, they may gain a lower maximum rate, if at the time of the amalgamation such a rate is fixed as is then reasonable, leaving the parties to conduct their business afterwards on that maximum rate to the best of their ability.

2708. Then you think a new maximum rate would be reasonable to be fixed in the Amalgamation Bills?—In many cases. The maximum rates almost all vary at present. It would be quite right, at all events, to reduce them now to the lower rate, the common rate; and, perhaps, it might be lower still.

2709. But you would object to a periodical revision of the rates?—I only say I do not see, as a question of justice, that it ought to be insisted upon. I do not say that I should object to it; because I trust that the rates would never be reduced by this periodical revision below what they ought to be.

2710. Do you object to an audit of accounts?—Not at all; but not to be at the expense of the railway companies.

2711. *Chairman.*] All you object to, then, is the salary of an auditor?—Certainly.

Thomas Part, Esq., called in; and Examined.

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2712. *Chairman.*] ARE you a Solicitor, residing at Wigan, in Lancashire?—I am.

2713. Do you attend here by the desire of those who are interested in the coal fields in that district?—I do.

2714. Do you wish to lay before the Committee your views as to the effect of railway amalgamation on the interests of the coalowners?—I rather wish to lay before the Committee my views as to the great protection that would be, to a large extent, necessary, in the event of amalgamation being carried into effect. I may state that the coal proprietors do not seek to reduce, in any manner, the rate of maximum toll, as established under the present tariffs of the London and North Western Railway. Their object is to secure to themselves the use of the railway upon payment of those tariffs, and also to affix a limit to those charges, which are at present indefinite.

2715. Will you state how the working of the railways has been prejudicial to the interests you represent?—In some instances the working of the railways has injuriously affected them by obstructions and difficulties thrown in the way of the conduct of their business. The parties have endeavoured to contest the matters with the railway companies in the first instance. They have found they have always done so to their own personal detriment and disadvantage, and to inconvenience in conducting their trade. For instance, at present the companies are not under any obligation to supply the locomotive power, and they have exercised the option of forwarding the traffic in such a manner as they have thought fit, and at times very inconveniently. Another source of complaint is, that what is called the rolling stock belonging to the coal proprietors, their coal waggons, for instance, are not returned with sufficient promptitude; and, recently, a much larger rolling stock has been required to do the same amount of traffic than was the case some years ago. That has arisen from the detention of the waggons at the different sidings and points of junction.

2716. Have you not now the advantage of several modes of communication from Wigan to the great markets?—There are several.

2717. Do you derive any benefit from competition in consequence of that circumstance?—To some of the markets, in the coal trade particularly, there is a benefit derived from the competition, because the coal traffic is still conducted by different companies. That does not apply to the merchandise traffic.

2718. Will you be so good as to show how the coal traffic goes from Wigan to Liverpool as regards competition?—One route is the London and North Western Railway and the North Union; another is the Lancashire and Yorkshire Railway; a third is the Leeds and Liverpool Canal.

2719. In case amalgamations were extensively allowed, what are the particular measures which, on behalf of the coalowners, you wish to suggest to the Committee?—The first suggestion I would make would be, that it be rendered obligatory on the railway companies to provide locomotive power in all cases. I suggest that on the ground of public safety, as well as affording general facilities for the traffic of the lines.

2720. Do you mean, whenever there is a sufficient load for an engine?—Yes; under proper regulations, of course. Then I would suggest that the company should be placed under obligations to forward, within some stated period to be fixed, and after proper notice, the loads to their destinations at a certain rate per mile.

2721. And to return the waggons in like manner?—And to return the waggons in like manner.

2722. Is it not to the interest of the railways to carry as large an amount of coal traffic as they can consistently with the other arrangements of the line?—It is; but the coal traffic yielding a smaller rate of tonnage than the higher class traffic, it is postponed to the higher class traffic; and the inconvenience and delays to which I have alluded probably arises more on crowded lines, where the merchandise and other traffic is preferred to the coal traffic, than from any other cause.

2723. Would you go so far as to propose that the high class traffic should be postponed to the coal traffic?—No; but that there should be some better equalisation in the transit of it, because the coal traffic is an important traffic to the

the commercial community in Lancashire, perhaps more so than any other. If you have an irregular supply to move the machinery of the district you suspend the whole operations of the people.

2724. But there is the direct motive of self-interest to induce those lines to develope the coal traffic?—Yes.

2725. But, as you have stated, from the circumstance of other traffic passing over the lines, they are not enabled to furnish the engines and waggons for the coal traffic with regularity and dispatch?—No.

2726. It being their interest to do as much as they can, how would legislative regulations make that more efficient?—I think legislative enactments might make it more efficient to this extent; I am not prepared to say that the companies do exert themselves to the utmost extent they could do in forwarding their traffic. The servants of the companies very often, at points of railway junction where there are sidings, permit both laden and empty waggons to remain on those sidings longer than is absolutely necessary. There is no sufficient control at those points of junction.

2727. In what mode do you think the Legislature could interfere for your protection?—They might interfere to this extent, to require the railways to forward the coals from the point at which they should receive them to their destination at a certain rate per hour; say 10 miles per hour.

2728. Suppose the Legislature compelled the railway companies to carry all coals under certain rules, how could the company retain all its responsibility for the conduct of the other traffic; how would you arrange to prevent the derangement of the other traffic?—They would of course have to make other regulations as to the traffic on their line to a certain extent.

2729. Is it not their interest now to do so to the utmost of their power?—It is, generally speaking.

2730. Do you think that any rules which this Committee could devise would be a better protection than the direct stimulus of self-interest?—Why, in all other matters, with the exception of coals, and the very heavy traffic, the law of carriers will apply; you cannot apply it to coals, and matters of that description, because you cannot deliver them to the company to be forwarded; for instance, you must forward the coals, and other similar traffic, in waggons from the works at which they are raised, and there is no obligation on the company to forward them otherwise than they, at their pleasure, think fit.

2731. Do you mean that there is any ground for charging them with wilfully obstructing any portion of the coal traffic, or merely with negligence?—There have been instances presented to me, and the parties are prepared to prove them, where the inconveniences to which they have been subjected are of that nature; in one instance, a party is paying now at the rate of 2,000*l.* a year more than the charges the railway companies are entitled to demand from them, in order to secure to themselves certain facilities in the conduct of their traffic.

2732. Then you mean that they take all the tolls which Parliament allows them to take, and require an additional payment besides in consideration of having only due convenience and facilities?—Due convenience and facilities; there is one instance where a party is paying 2,000*l.* a year; 800*l.* of that is paid for the use of wharves belonging to the party himself, which he has constructed at an expense of 6,000*l.* or 7,000*l.*

2733. Do you mean that 800*l.* a year is charged under the head of wharfage for the use of his own wharves?—Yes.

2734. Mr. *Laffan.*] Were those wharves built on the property of the railway company?—No, they were built on the property of the party himself; they were his own freehold, and constructed at his own expense.

2735. Mr. *Bright.*] Lancashire people do not generally do business in that way; will you explain a little more fully how it is that a man pays for the occupation of his own ground?—The fact is so; the party does pay it in the shape of wharfage; the wharfage is charged in addition to the toll on his coals, which he pays, and has paid for some years past.

2736. Mr. *W. Patten.*] He himself having found the wharf?—Yes.

2737. Captain *Jones.*] And finding the men to do the labour on the wharf?—Yes.

2738. Mr. *Bright.*] Do you know anything of the specific agreement under which that charge is made?—There is no specific agreement; the charge is made and submitted to.

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2739. Is there some extra accommodation of any kind given?—None whatever.

2740. Do they not agree to take a train of coals at any time he may have one ready, or in preference to some other person's coals?—The trains are taken at stated times each day from the works.

2741. Where is that particular instance?—They are the Macclesfield and Stockport wharves.

2742. Is the colliery to which this charge is made Lord Vernon's?—It is.

2743. Lord Vernon's agent has been in this room during part of the inquiry?—Yes. I have the particulars from him in his own handwriting.

2744. Mr. *Henley*.] Is not this, in fact, the price paid for the regular accommodation, which you say the public do generally not obtain?—I do not say the public generally do not obtain it. They pay it for the facility of conducting the traffic; they have been subjected to inconvenience on former occasions, and they submit to this payment rather than to the inconvenience.

2745. For having their trains taken at stated times?—At stated times.

2746. Mr. *Bright*.] Will you be good enough to give the particulars?—There is on one wharf the wharfage of 11,968 tons, 99*l*. 15*s*. 8*d*.; another 85,666 tons, 715*l*. 11*s*.

2747. What is the sum per ton?—About 2*d*. per ton.

2748. Then, in point of fact, does it not come to this, that they charge the Parliamentary rate for the carriage of the coals, and 2*d*. per ton more, which is in consideration of the extra convenience allowed to the coalowner?—There is an excessive Parliamentary toll of 500*l*. a year.

2749. Besides that?—Besides that.

2750. What is the pretence on which this is charged?—I do not know; these items have been carefully extracted from the yearly bills, and with this result.

2751. *Chairman*.] Then they have a sort of arbitrary power of charging rates, because they can take the Parliamentary toll directly, and they can take as much more as they please for convenience indirectly?—Yes.

2752. On other pretences?—Yes.

2753. Mr. *Henley*.] Does not this sum which was paid secure to those parties who pay it some advantages which they would not obtain if they did not pay it?—They get their trade conducted with facility; there are no peculiar advantages, that they are aware of; it is not in consideration of any specific advantage.

2754. Mr. *Bright*.] Which colliery at Wigan are you connected with?—I am solicitor for the coal proprietors. I represent the coal trade, and act for them generally.

2755. Has any case of that kind arisen at Wigan?—Not specifically of that kind in Wigan; there are no wharves in Wigan. It has arisen to some of the parties who are concerned in the coal trade at Wigan; one of the parties there pays nearly 800*l*. a year plus the ordinary tolls for similar facilities.

2756. To which company?—The Lancashire and Yorkshire Company.

2757. Are not the Wigan collieries now sending coals eastwards, as far as Rochdale?—Yes.

2758. Is any of that extra charge incurred with regard to the traffic?—Not in Rochdale; some portion in Bolton, and some in Bury, but principally in Manchester.

2759. Do you know whether, with regard to the Lancashire and Yorkshire line, and the traffic in that direction, there has been any just ground of complaint as to the irregularity of their trains, and negligence in sending back waggons, and so forth?—Yes, there is a general complaint among the coal proprietors that the waggons are not sent back so promptly as they were formerly, four or five years ago.

2760. Do you attribute that at all to the great increase of traffic on the line in its general business?—That may be one cause of the probable detention at the stations, or points of junction, in not forwarding them as soon as they might be forwarded.

2761. Might it not happen now, for instance, taking such a station as Rochdale, that the company did not get the waggons emptied sufficiently often; have they places where the waggons can be emptied immediately they arrive?—I am not acquainted with the accommodation at Rochdale at all.

2762. Have

2762. Have remonstrances been made to the company with regard to that?—Yes.

2763. What sort of replies have they got generally?—That it would be inquired into. I may mention another instance, in another quarter, where a party has paid for the use of a wharf, in the shape of wharfage, 700*l.* for three years, and that is a wharf rented from the company themselves.

2764. *Chairman.*] Do you mean that they are limited to their Parliamentary toll, but that, by reason of being enabled to incommode people as much as they like, they can virtually put on toll at their own pleasure?—They can apply the screw.

2765. Mr. *Henley.*] Do you know whether the locomotive power on those lines has increased in proportion to the increase of business on them?—I have no knowledge on that subject.

2766. You cannot tell whether that may be the reason why there has been this delay in sending the coal?—I am not prepared to state; there is a delay in sending back empty waggons. Another source of complaint on the part of the coal proprietors is this, that the waggons are often returned to them broken and damaged. They go from their control at their collieries; they come back empty, and broken in some instances. They have no means of ascertaining how, by whom, or when they were broken, and, consequently, they are without any remedy.

2767. Mr. *Patten.*] Have you not a remedy against the company in cases of that kind?—There is no remedy against the company, because they protect themselves by saying, "We will not find you the locomotive power, if we are to be responsible for the injury done to the waggons."

2768. Do the greater portion of the coal proprietors in your neighbourhood make use of the engines of the company, or do they use their own?—There are about three or four coal proprietors in our neighbourhood who supply their own locomotive power on certain lines, but not on others; but the generality of the proprietors have no locomotive power supplied by the company.

2769. Do you find any distinction in the accommodation rendered by the companies to those two parties?—I believe not. One great cause of complaint is, that there is no limit to the amount which the company are entitled to charge for wharfage accommodation. At present there is no legal toll authorised to be taken for wharfage. Formerly there was a price fixed for wharfage on all canals, but it has not been applied to railways.

2770. Mr. *Bright.*] Do you think any regulations that Parliament could make could be so detailed, and so exact, as to prevent companies inflicting these inconveniences and overcharges upon private parties?—I think one great means of remedy would be obtained if the companies could be compelled to forward the traffic, and to return the empty waggons under proper regulations, and within a given time. It is most important to coal proprietors to have their empty waggons returned to them to be re-laden, and that the waggons laden with coals should be forwarded to their destination with sufficient speed and regularity.

2771. If a cotton spinner at Wigan was to send his yarn or cloth to Manchester by railway, as many of them no doubt do, would he have any remedy against the company supposing it was not delivered to-night or to-morrow, as the case might be, which the coalowners would not have?—Yes, he would have his remedy against them as common carriers for not delivering the goods in a reasonable time. Not so the coalowners, because the coalowners must put their coals in their waggons at their own shafts, and do not deliver them to the companies at their warehouses. You cannot apply the common law of carriers to the coal trade in all its details, and hence arises the evil.

2772. Would it not be possible, when a train of coal waggons arrived at a company's line, that it might then be treated as if it was a train of another description of goods?—Not as the law at present stands, because the company are under no obligation to provide the locomotive power.

2773. Have you, as acting for the coalowners in that neighbourhood, had interviews frequently with the managers of the railways, and made remonstrances?—I have not.

2774. Have such remonstrances been made?—I believe they have.

2775. Do you think the case is growing worse against the coalowners, or better; are the directors and managers of companies more accessible upon these

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subjects, and better to treat with, than they were some time ago?—I am not aware that any material change has taken place in that respect. But our object in appearing here is to state, that at present we have the advantages of competition, and although they may charge the maximum rate of tolls, still where there is competition for traffic, that competition will lead to facilities, of which we shall be deprived if extensive amalgamation take place.

2776. Mr. *Laffan.*] We were led to believe that an understanding was arrived at some time ago between the companies which had possession of the Leeds and Liverpool Canal, and the London and North Western, and the Lancashire and Yorkshire, and the East Lancashire, which does not affect you; those four formed an alliance?—Yes.

2777. Has that alliance in any way affected the rates of charge between Wigan and Manchester, and between Wigan and Liverpool, as respects the coal traffic?—I believe that that arrangement does not extend to the coal traffic; at all events, it does not extend to the coal traffic on the canals.

2778. What are the relative charges now, on the railways and canals?—The charges on the canals are somewhat less for the whole distance than upon the railways; but the coals arrive in a better state by the railways, and there is less loss by pilferage on the railways than on the canals.

2779. Is the relative proportion between the charges the same now as it was about two years ago?—I believe it is.

2780. Mr. *Bright.*] The Wigan coalowners have got new markets entirely since the railways were opened, have they not?—They have, eastward.

2781. How far do they go eastward?—Not beyond Rochdale.

2782. What is the distance from Rochdale to Wigan?—About 20 or 21 miles. I may mention, with reference to the rate of wharfage, that the general rate of wharfage is about 2*d.* in large towns, and that is an ample compensating price. For instance, parties who took the wharf at Manchester agreed to pay six per cent. on the outlay; they afterwards paid a toll of 2*d.* per ton on the coal, and that produced 21 per cent. on the outlay. In some instances the wharfage is charged at a shilling, and in some instances at as much as two shillings per ton.

2783. Mr. *E. Denison.*] Do you propose that the coalowners should make arrangements with railway companies to supply things with some regularity, and in certain quantities; or that, at any time, when a certain quantity of coals, or a certain number of trucks, should arrive at a station, that then the railway companies should be required to send it forward?—I do.

2784. Without a previous arrangement?—Without a previous arrangement; because the amount of power that a railway would be required to supply would be regulated by the constant demand in the markets with which that railway communicated.

2785. But the supply is of importance also; do you think that at any time when a certain number of tons of coals are brought to a railway station, that the railway company should be required at once, without notice or previous arrangement, to send those coals to any destination, and to return the trucks within a certain given time?—That is my proposition, certainly. I was going to mention, what may have an important bearing on the subject of railway accommodation, is the power to make sidings. Formerly landowners had a power to make sidings in almost all cases; but at present the provisions contained in the Railway Clauses Act render that almost a dead letter.

2786. Mr. *Laffan.*] You say that formerly landowners had power to make sidings, and have not now; in what way has the change been made?—It is the 76th section of the Railway Clauses Act: "And the company shall, if required, at the expense of such owners and occupiers and other persons, and subject also to the provisions of the said last-mentioned Act, make openings in the rails, and such additional lines of rail as may be necessary for effecting such communication, in places where the communication can be made with safety to the public and without injury to the railway, and without inconvenience to the traffic thereon; and the company shall not take any rate or toll or other monies for the passing of any passengers, goods, or other things along any branch so to be made by any such owner or occupier or other person; but this enactment shall be subject to the following restrictions and conditions (that is to say), no such branch railway shall run parallel to the railway; the company shall not be bound to make any such openings in any place which they shall have set apart for any specific purpose with which such communication would interfere, nor upon any inclined

inclined plane, or a bridge, nor in any tunnel." So that it amounts almost to a prohibition to make these sidings; a power which formerly was conferred on the landowners and people holding property on the line of railway, and was prohibited only in cases where it would interfere with the safety of the public, or materially interfere with the traffic of the line.

2787. Mr. *Henley.*] There are four specific cases; there is the tunnel, bridge, inclined plane, and where the ground has been set apart for a specific purpose?—Yes, for any specific purpose whatever.

2788. Those are only four cases; but they would not exclude sidings?—A railway is generally a series of inclined planes from one end to the other. With reference to the question asked some time ago by Mr. Denison, I have to state that I propose that the companies should have sufficient notice that the loads would be at the stations at given times to be forwarded by them, and that a sufficient length of time, to enable the company to regulate their traffic and trains accordingly, should be allowed to elapse, during which they might remove them.

2789. *Chairman.*] Was what you meant this, that it should be a matter of right, and not a matter to be conferred on the coalowner by contract with the company?—A matter of right, on proper notice.

2790. Mr. *E. Denison.*] The question asked was, whether, when any coalowner chose to send a certain number of tons of coal to a railway station, without previous notice or arrangement, it was expected that the railway company should carry them forward, and return the trucks within some given specified time, and your answer was, "Yes, that is what I intend"?—I understood the question to be that there was to be some arrangement between the company and the coal proprietors before they were bound to act on that notice.

2791. What do you consider to be the sort of notice that would be sufficient?—I should think 24 hours would be sufficient; but the course of the trade would be this, that a coal proprietor would send, at a stated hour each day, a given number of waggons from his works, and he would give notice that, at a given time, those waggons would be there from day to day.

David Vavasor Durell, Esq., called in; and Examined.

2792. *Chairman.*] DO you appear on behalf of the Oxford Canal Company?—I do.

2793. Having been present during the greater part of the examinations before the Committee, you may be asked, without further preface, to give your opinion on the question of amalgamation, as you think it will affect you?—If the Bills for amalgamation which are now before Parliament go forward, we think that, in justice to our company, as well as for the public interest, the canals should be permitted to amalgamate with the railways.

2794. There is no Bill before Parliament for amalgamating your canal with any railway?—There is not.

2795. What you mean is, that if there be a general arrangement in the nature of amalgamation, you should be, on fair terms, included in it?—Yes.

2796. What are the consequences which you will suffer if such an amalgamation takes place without including you?—I think the canal would be overwhelmed; the other two interests combining, under the sanction of Parliament, I think it would not be possible for the canal to maintain its ground.

2797. Do you mean by "the other two interests," the London and North Western and the Great Western?—No; the London and North Western and the Midlands.

2798. In what way do you think the interests of the Oxford Canal would be prejudiced?—I think the union of capital which would take place by that amalgamation would enable the amalgamated company more effectually to direct its forces against this or that part of the canal system in competition with it, the Oxford Canal for example, and entirely overwhelm it.

2799. Do you derive any injury on the Oxford Canal from the amalgamations of any other canals with railways?—Some injury, certainly. I should say the amalgamations of the Trent and Mersey with the North Staffordshire Railway, which is proposed to be amalgamated with the London and North Western, and the amalgamation of the old Birmingham Canal with the London and North Western, are to a certain extent prejudicial to the interests of the Oxford Canal, and the other independent canals.

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2800. Did you hear the evidence given on behalf of the Grand Junction Canal?—I did.

2801. Do you take the same view as the Grand Junction Canal Company?—Not at all the same.

2802. Will you explain the difference?—The Grand Junction Canal Company do not object to the amalgamations which are now proposed by Bills in Parliament, provided they obtain certain protective clauses. With those protective clauses they would be favourable to amalgamation; but those clauses would be prejudicial to the interests of the Oxford Canal, for the reasons which I will state: The Grand Junction Canal Company are carriers; they have carried for some few years past under the authority of an Act of Parliament, and the effect of the protective clauses which they propose to be introduced in the Bills now in Parliament for amalgamating the railways, would enable them to carry at very low rates on amalgamated canals, those canals which are at present amalgamated, and those which hereafter may be amalgamated; and viewing the present condition of canal property, the Oxford Canal Company think it not unlikely that Parliament will sanction the further amalgamation of canals with railways, and they hope that they may have the benefit of amalgamation, either next year, or perhaps, under agreement, this year, extended to their own canal. But clauses of this kind would preclude that hope altogether; for the amalgamated canal would be of no value either to the railway companies or to the canal proprietors. We consider that an amalgamation with clauses such as those proposed could not hereafter take place.

2803. Then what you wish is, to promote the combination of canal interest with railway interest, and to claim that if the railways are amalgamated you should be admitted to participate?—Yes, under proper restrictions, such as the Board of Trade, or any other Board duly authorised by Parliament, should impose.

2804. But objecting to the kind of restrictions suggested by the Grand Junction Company, are you prepared to suggest any different kind of restrictions or regulations?—I do not think that the canal companies require any protection from each other now; I think they are sufficiently protected by agreements which they have made with each other, which are legal, and cannot be departed from; therefore the protection that they ask appears to us uncalled for.

2805. But you said that when you amalgamate with the railways you should do so under certain restrictions; what is the nature of the restrictions that you contemplate?—The restrictions should be such as would secure the public, and not the other canals; we think they are sufficiently secured already from damage from each other; the protective clauses are proposed with a view to protect the canals; for it is assumed that the other canals would be injured by a portion of them being amalgamated; but we think that is an assumption there is no ground for.

2806. If the canals are sufficiently protected already, why do you object to the amalgamation of the railways?—We object to the amalgamation of the railways, because it would unite such large capitals, and furnish means of oppressing any parts of the canal system, more than now; their power can scarcely be withstood at present.

2807. Do you mean that they would carry at a loss, competing with you, relying on the profits they made on other parts of their great undertakings?—Yes, exactly.

2808. Still, I do not understand what is the precise kind of restriction which you think Parliament should impose, if it amalgamated you with railways?—That we should not be allowed to raise our tolls beyond a certain rate, to be prescribed by the Board of Trade, or any other Government Board.

2809. Have you not a maximum toll now?—Yes, we have a maximum toll.

2810. Do you propose to diminish that maximum?—The maximum allowed by Act of Parliament, I presume, would be diminished.

2811. That is the restriction you mean when you speak of amalgamating under restrictions, you mean that you would amalgamate, diminishing your maximum toll?—Yes, that is what I mean.

2812. Are there any other suggestions which you wish to offer?—Yes; our principal object was to show that the proposed protective clauses to which I have alluded are perfectly out of date; that they are taken from model clauses suggested, I believe, by the Select Committee which was appointed seven years ago; but that they

they are not at all applicable to the present state of things, and the circumstances, one of which I have mentioned, in reference to a carrying company. Those clauses were intended to provide for the reduction of tolls on the amalgamated canals, if, from competition, the adjoining canals were obliged to reduce their tolls. That is all, I believe, that was intended by the Committee in reference to such clauses seven years ago; if a *boná fide* reduction of toll took place on the adjoining canals, then the amalgamated canal should not be exempted from its share. But with those clauses, a nominal reduction might be made by a carrying company for the purpose of obtaining a reduction on the amalgamated canals,—those canals that are coloured red on the map,—in other words, for obtaining a large part of their incomes.

2813. Do you mean that they would charge a nominal toll in order to reduce you to a nominal toll, making their real profit not as toll owners, but as carriers?—Yes. They would be enabled to reduce the toll of the amalgamated canal to a nominal toll.

2814. Therefore you object to such an arrangement as the Grand Junction Company have asked this Committee to enforce?—We do.

2815. You do not desire generally to promote amalgamation, but you claim to be included in any great scheme of amalgamation in your district?—Yes.

2816. Mr. *E. Denison.*] At present you are competing with railways?—At present the Oxford Canal Company is.

2817. And your proposal is, that if the railways should be allowed to amalgamate, that you should become partners in the concern?—Quite so.

2818. And that, therefore, all competition, as between railways and canals, should be put an end to for the public benefit?—Yes.

2819. Mr. *W. Patten.*] Are your rates at the present time much below your Parliamentary rates?—Yes, they are.

2820. In what proportion?—They vary in different parts of the canal; to Oxford, which is the trade that I have now been more particularly speaking of, they are scarcely above a third of the Parliamentary rate.

2821. Is that part of the line most competed with?—Yes.

2822 What are they on the other part?—On the other part they vary from half, or less.

2823. You said just now, that as an indemnification to the public you would consent to a lower maximum charge?—Lower than the Parliamentary charge.

2824. Did you propose to bring the charge below that which you are charging at the present time?—No, because we believe that it is lower now than it ought to be. We have to sustain what we consider to be an unfair competition with the railway. I am speaking of the Oxford traffic principally, and not of the traffic on the portion of the canal which forms part of the great chain of canals from London to the north. There is a very considerable loss sustained by the railway company in respect of their Oxford traffic. Their earnings on all their passenger and mineral traffic do not amount to the sum they are required, under their lease, to pay to the proprietors of the Buckinghamshire Railway, by upwards of 30,000*l.* a year. That loss they have to make good from their earnings somewhere else. Their rates are low on the mineral traffic; so of course are ours: they declare that they do not remunerate them; we say so too. And if these large amalgamations take place, it is very possible that they may submit to a further loss, which they will better afford, until they have abstracted the whole traffic from the canal. Then of course we may suppose that they would no longer charge unremunerative rates.

2825. *Chairman.*] Then, to a certain extent, you already experience, and to a much greater extent you are afraid of experiencing, the evil of the competition, which is carried on at a loss, and supported by profits derived from some other part of the country?—Yes.

2826. Generally speaking, that is your case?—It is. But I wish to make an observation on the subject of accidents. The traffic of which I have been speaking, the mineral traffic on the Buckinghamshire Railway, is brought on the London and North Western at Rugby, from Derbyshire; it passes on the up-line of that railway as far as Bletchley; the coal waggons all cross the railway at Bletchley, and they cross the line lower down on their return. Among the advantages of amalgamation, we think one would be, that the coal traffic on the railway being adjusted to that on the canal, there would be less risk of accidents from collision.

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2827. The railway might be used for the higher class traffic, and the canal for the lower?—Not exactly so. The railway might bring its portion of the coal traffic, but it would be better regulated. There would be no temptation on the part of the company to attach more coal waggons to a train than ought to be attached to it. It appears that they are in the habit of doing that; and the collision which occurred on the 3d of January ought to be attributed in some degree to a breach of the regulations in this particular.

2828. Mr. *Bright.*] When you say that you wish the canals to become partners in amalgamation, is there any obstacle in their way now from Parliament, or from any regulations of Parliament?—There would be after the passing of the clauses which are put before this Committee for their recommendation to Parliament.

2829. Have you not now the same power under the law to amalgamate with any canal, or with any railway company, that any railway company has with any other railway company?—As the law stands at present we have; but the clauses which are suggested to this Committee for recommendation to Parliament would preclude us.

2830. Mr. *Laffan.*] What clauses?—The clauses which are set forth in a long petition, which has been presented to the House of Commons, and referred to this Committee.

2831. Mr. *Bright.*] Are those in the petition from the canal owners?—Yes.

2832. You wish to state, so far as regards your company, that you do not agree with that petition in those particulars?—We do not agree.

2833. You do not wish, on behalf of your company, that this Committee should recommend anything to compel the railway companies who propose to amalgamate, to take you into partnership with them, whether it be a profitable thing or not?—Not quite so far as that; still, if the amalgamations of the railways are to proceed, it is our duty to show the Committee that the canals could not be kept open for the service of the public without assistance; and that it is possible, if these Amalgamation Bills do not pass this year, we might submit a plan to the Committee another year, or to the Board of Trade, for its approval and recommendation to Parliament.

2834. Have you had much acquaintance with canal proprietors?—A very long acquaintance with them.

2835. Probably you are aware that they have entertained on former occasions very alarming impressions with regard to what would become of their property if railways were made in their direction; have not many of those fears turned out to be groundless?—No; the canal property has all of it suffered very severely.

2836. It has not suffered so much as many canal proprietors expected 20 years ago?—Yes, I think it has. I speak of the Oxford Canal, of which I know most; that has suffered very greatly. I think the Grand Junction Canal has also suffered, but not more than others.

2837. Mr. *Henley.*] Did you not say that the earnings of the Buckinghamshire line was not equal to the rent they received?—I did.

2838. You stated that the loss was to the amount of 30,000*l.* a year?—Yes.

2839. In forming that estimate, did you make any allowance for the increased gain to the lessees of the line for the amount of traffic they brought over their own lines?—No, I did not make any deduction in respect of that gain.

2840. Is not that an element that ought to be taken into consideration?—Yes, as a deduction from that loss.

2841. To what extent that would go you do not know?—It would abate that loss something, but it would yet leave a very large loss.

2842. But supposing it brought a traffic of 30, 40, or 50 miles, or to a vast extent, it might do away with the loss altogether?—It might, but it does not in fact.

2843. Have you gone into that?—Yes, sufficiently to know that it would be a very few thousands that would have to be deducted from that 31,000*l.*, which has appeared as an item in their account.

2844. What is the distance that the passenger traffic has to go from Oxford to Bletchley?—Thirty-one miles.

2845. What from Bletchley to London?—Forty-six miles.

2846. Then they gain a longer traffic by carrying a passenger from London to Bletchley than they do from Oxford to Bletchley?—Yes.

2847. Where do the coals come from?—Derbyshire.

2848. What

2848. What is the distance?—Thirty-six miles from Derbyshire to Bletchley.

2849. What part of Derbyshire would that be?—I meant to say they travel 36 miles upon the London and North Western Railway.

2850. You are speaking of the mileage from Rugby?—Yes.

2851. You do not know what interest the railways beyond that have in it?—The Midland Railway has an interest in the traffic.

2852. They may make gain in the same way?—The gain can be very little indeed, because the rate charged is so low.

2853. But *pro tanto* it would be something?—Yes, it would.

2854. Mr. *Bright.*] What is the difference in value of the stock of your canal company, as compared with what it was before you had any railway competition?—I think 130 *l.* may be stated to be the present market value, and I think they were as high as 700 *l.* or 800 *l.*

2855. Mr. *E. Denison.*] Were they 100 *l.* shares?—They were 100 *l.* shares; but so much of the money expended in completing the canal was raised on loan, and paid off, that the share capital would not give a true account of the cost of the canal.

2856. What does that 130 *l.* represent?—I think nearly 300 *l.*

2857. *Chairman.*] The original capital of 300 *l.* was once worth 700 *l.*, and it is now only worth 130 *l.*?—Yes.

2858. Is not the point you chiefly make in your evidence this, that you deprecate amalgamation, unless you are included in the terms?—It is.

2859. Mr. *E. Denison.*] Supposing it was thought important to the interests of the public that canal communication should be kept open as well as railway communication, and that a Government Board, with considerable powers, should be established, whose duty it would be to see that fair play was given to the canals in all reasonable respects, do you think it would be impossible, under those circumstances, for the canals to hope to support their competition to the same extent that they support it now?—To a great extent it certainly would be possible; if Parliament would give the canals the facilities, by whatever mode it might be done, that they have given the railways it is very possible they might be then kept in competition with the railways.

2860. But then if a Government Board with large powers, anxious to do justice to canals as well as to railways, were to be established, do you see any insuperable difficulty in the canals maintaining their present position?—Parliament has gone so far already in sanctioning amalgamation, that it appears to me scarcely possible for the effect to be counteracted, except by the canals amalgamating with the railways.

2861. That was not the question put to you; the question was this: if Parliament should think it expedient for the public interest that canal communication should be kept open as well as railway communication, and a Government Board should be established with large powers, to see that justice was done between the parties, do you then look forward to it as a hopeless thing for the canals to maintain their present relative position with the railways?—No; I think if it were taken up by Parliament in that way, it would be possible, because Parliament may make it possible, for the canals to be in competition with the railways. But as to the question whether the canals should be kept open, I do contemplate the Oxford Canal being kept open, but probably in concert with the railway rather than in competition with it.

2862. The question was a totally different one; the question was whether, instead of being made part of a railway system, it should be preserved as an independent system, water to itself, against railways to themselves; and whether or not, under the circumstances you have mentioned, you do not think that canals might maintain their position?—Yes, it is possible for Parliament to enable them to do so.

2863. What would it be necessary for Parliament to do: we have had the assumption that they will establish a Board with great powers, to see that right is done?—I do not think the railway company ought to have recourse to foreign aid to support their competition with the canal, which they could not sustain without such aid. I think it would satisfy our company if they were not permitted to do that.

2864. *Chairman.*] You are afraid of having profits made in another part of the country brought to bear in a competition against you?—Yes.

2865. Mr. *E. Denison.*] That you have at present?—We have.

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2866. To an extent which certainly seems very formidable; I do not very well see how your case could be made much worse than it is?—In this way, perhaps; the railway company would rather not lose their 30,000*l.* a year, but they may submit to the loss for a time in the hope of getting a larger share of the traffic; and if the capital were so increased, as it would be by the addition of the Midland capital to it, of course the loss would be better afforded than it is at present.

2867. *Chairman.*] Would there be a more direct interest in traffic which originated in the Midland country being sent over the Buckinghamshire Railway than being sent over your canal?—Certainly, the interest would be more direct.

Veneris, 15° *die Aprilis*, 1853.

MEMBERS PRESENT.

Mr. Cardwell.	Mr. M. Milnes.
Mr. Labouchere.	Mr. E. Denison.
Mr. Henley.	Mr. Laffan.
Mr. Strutt.	Captain Jones.
Mr. W. Patten.	

THE RIGHT HON. EDWARD CARDWELL, IN THE CHAIR.

Joseph Locke, Esq., a Member of the House; Examined.

J. Locke, Esq., M.P.

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2868. *Chairman.*] YOU are very conversant with the history of railway legislation, railway construction, and railway management, from the beginning to the present time?—Yes, I think I am tolerably well conversant with it.

2869. Adverting to the order of reference, the subject of railway amalgamation is the first to which your attention will be invited; will you favour us with your views upon the general policy which ought to be pursued in respect to encouraging or discouraging the more extensive amalgamation of railway companies?—The first idea which I have is certainly one which would induce me to recommend Parliament to look with favour upon the further amalgamation of railways; and I do so because I think if they were to adopt that as a principle, they might obtain from the admission of the principle certain advantages for the public, which they will not get if they permit companies to proceed in their own fashion; and I also believe, whether they adopt it in principle or not, that the railway companies will ultimately so combine and make arrangements among themselves as will eventually establish a monopoly quite as great, as far as the public is concerned, as if it were accomplished by means of an entire amalgamation sanctioned by Parliament.

2870. Will you explain what is the nature of the advantages which you expect would be conceded to the public in return for amalgamation?—There are various advantages, and one is the establishment of an entire system of audit, by which the public would know exactly the financial condition of each company, which I believe at this moment not only the public does not know, but the shareholders, generally speaking, themselves do not know. That is one of the advantages which I think the public would derive by making concessions towards the eventual amalgamation of companies.

2871. Has the subject of audit engaged your attention particularly?—It is one of the things which, among others, has engaged my attention, and I have introduced a Bill into Parliament for the purpose of railway audit.

2872. Suppose such an arrangement as has been frequently mentioned before this Committee, for the periodical revision of fares in proportion to the increasing traffic of the country, were completed, do you think that a machinery of Government audit could be rendered effectual for that purpose?—I am perfectly sure that a system of audit could be rendered effectual, whether it be a Government audit or not. There is no doubt in my mind that a machinery could be established which could be perfectly effective; and I think that Government might very fairly insist upon having the control of that audit, on granting amalgamation

tion to the companies, by giving them some equivalent for the rights which they would concede to the Government in that respect.

2873. In speaking of effectual audit, do you mean not only the supervision of account so as to ascertain the accuracy of the account, but also such an audit of inspection as would regulate the particular account to which the particular receipt or expenditure was to be carried?—Clearly; it would have no value if that were not so with all the audits of the present day, although I do not mean to say that there is any deficiency or defect in point of honest arrangement; at the same time, I know that they are all defective in reference to the peculiar classification of the expenditure under their proper heads.

2874. Do you think it would be possible for an auditor accurately to determine out of the expenditure, for instance, for the relaying of rails, how much of it ought to be carried to capital account and how much to revenue account?—At present, no.

2875. But under the system that you contemplate?—I think that would be a difficult duty to impose upon any auditor. I think the auditor might call for abstracts of expenditure, and might be able tolerably nearly to apportion, with the aid of the party spending the money, the relative expenses, according to a division which he might think fair to establish between capital and revenue.

2876. But suppose that the tariff of any company were liable to revision when the dividend amounted to a certain sum, that amount would of course be affected by the question of how much of the current expenditure was charged to capital, and how much to revenue; and there would be a very strong interest in the company to charge that in one direction, and an equally strong interest in those who act for the public to charge it in the other; do you think it would be possible to bring questions of that kind to such a criterion as would settle them to the satisfaction of both parties, that is, to the conviction of both parties that accurate justice had been done?—Yes, I think it is quite possible; I think that would be simplified very much in ulterior investigations, because I think capital accounts will be more generally closed than they are at present. If you are legislating for future years, and adopt the principle that no future account shall be opened except for the specific object for which that capital is raised, I apprehend there would be no capital accounts at all to which you would be able to apply any expenditure, which should be chargeable to current expenses.

2877. Suppose that from the great increase of traffic it became necessary within a limited number of years to relay the whole of the line with new rails, and perhaps more costly rails, would you propose that the current revenue should bear the whole of that expenditure?—That is a question upon which I should not like off-hand to say that I should or should not, although I have a very strong opinion upon it. Current expenditure might be charged with far more than it has ever yet been charged with. Where a road is worn out, and you lay down a new system altogether, if the system be a more expensive one, it would appear reasonable that the difference should be charged to capital, the original cost only being charged to current expenditure; but I think even that view may hereafter be modified, and that it might all be charged to the current expenses.

2878. Then as regards closing the capital account under effectual audit, you do not consider that there would be any insuperable difficulty in the scheme which has been mentioned to this Committee?—No, I do not think there would.

2879. As regards revision of tariff, that would seem to follow as a matter of course upon the two propositions to which you have just given your assent?—Yes, the revision of tariff would follow as one of the consequences of the advantages offered by Parliament; but I have not made up my mind as to what the amount of the dividend should be.

2880. The question was with reference to the possibility of using such a scheme?—I think it is quite practicable.

2881. Now, as regards public safety, do you think that that would be increased or diminished by more extensive amalgamation?—I certainly think it would be very much increased.

2882. Do you think that a united system of regulations for a large district of country is more likely to tend to punctuality and regularity than a divided management?—I do.

2883. As regards the supplying districts of country with that increase of accommodation, either by means of more trains over the old lines, or by throwing out local branches, do you conceive that amalgamation would affect local districts

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districts favourably or unfavourably?—Why that depends very much on how they would be treated hereafter. I think certain districts of country are now very much placed at the mercy of railway companies, and I do not know that they would be in any worse position after amalgamation if they were left at the mercy of the Board of Trade, for instance, or any tribunal which Parliament might appoint. I do not mean to say there would be much difference. I think local districts would be just as well off in the one case as in the other.

2884. Mr. *Henley.*] Has that answer any reference to new lines?—That answer had reference to any new line that hereafter might be made.

2885. *Chairman.*] Do you think it would be reasonable, in allowing amalgamation, to adopt certain general rules, according to which the trunk line might be required to give facilities to all the branch lines which local enterprise might think proper to create?—Certainly; you must have certain powers of compulsion over railway companies to complete the railways which the district requires before you grant them the monopoly or an amalgamation, as well as keeping open the machinery, by which, in the future, other lines may be made; for instance, if I were placed in the position of granting these amalgamations, I should examine in the first instance what new railways were actually wanted in the district before I granted certain powers to amalgamate; I would make it, as a condition of the amalgamation, that those lines were at once conceded.

2886. It is impossible, is it not, at any given period of time, to foresee what may be the requirements of a district of country at a distance, for instance, of five or 10 years in the future?—Quite.

2887. You would, therefore, have a vitality in that power which you have spoken of, which could be brought into recurrent exercise according to future exigencies?—Yes; but I would not have that to recur every 12 months, as it does now; every 12 months we have now new applications to Parliament. If a district of country were once examined, and the Board of Trade, or whatever tribunal was appointed, were to determine that a certain number of branch lines were to be made, I think it would be fair to give the company or companies a certain amount of time to complete those lines, during which time no further application to Parliament should be made. If you gave them five years to construct a certain number of lines, there certainly would be no need during those five years for any other lines.

2888. Do you think it would be possible, bearing in mind the popular nature of our Government, to resist applications to the House of Commons, strongly promoted by local interests, which desired that such an inquiry into their wants should take place?—Whatever may be my own opinion on that subject, I think you will scarcely find that railway companies would be disposed to agree to make a certain number of lines, if they are to be called on year by year by Parliament and the public to make other lines. I think the companies would have a right to say, if we undertake to make these lines, as the price of our amalgamation, and to agree to make others after a fair inquiry, we have, at least, a right to expect a reasonable amount of time to complete those lines which you now stipulate shall be completed, without laying us open to fresh demands from Parliament year by year.

2889. But suppose that to be ever so equitable, do you think railway companies would feel any very great assurance that such an arrangement would be enduring?—If they did not feel that assurance, I do not think they would agree to the system.

2890. Mr. *Henley.*] You were understood to say, that you think before powers of amalgamation were given upon the large scale which has been contemplated, that an inquiry ought to take place as to what new railway accommodation was needed in the district comprised by such amalgamation?—Yes.

2891. And that some tribunal should decide what railway accommodation was then needed?—Yes.

2892. And that it should be made a condition precedent, that the railways seeking that amalgamation should undertake to complete such lines within a given period?—Yes.

2893. And you have also stated that within that period they should be guaranteed, say for five years, from any fresh applications being made to Parliament for lines in that district?—Yes, any reasonable time; I merely mentioned five years as an instance.

2894. Is it your opinion that, looking back to a period of five years, public necessity

necessity has not indicated and pointed out need of fresh lines being made which occurred to no one at the early part of those five years?—That is very likely, but I think that is because every individual has not taken a comprehensive view of the requirements of the district. I think now, when you are going to adopt this as a principle, you should look into the district, with a view of ascertaining what is requisite for the five years to come in this particular district. I must say, that unless you were to give to the companies a security that during that period they would not be open to the demands of fresh lines, they would have no security whatever, and I do not believe the amalgamation principle would ever be carried out.

2895. Mr. *Strutt.*] Suppose that in the course of those five years, independent parties in the districts were to desire to come to Parliament to construct new lines, should you, in that case, think that there was any hardship in requiring the companies, who had main lines, with which those branch lines were connected, to work those lines?—I do not think there would be any hardship in requiring the companies to work those lines, unless you impose the working on them at some sacrifice.

2896. Your objection is to the companies being required, in the course of that reasonable period, to construct new lines at their own expense?—Yes.

2897. Mr. *Henley.*] Did you not say that parties should not be allowed to promote any new lines within that district within a reasonable period, which is about five years?—I named five years. I did not contemplate in my first answer that any new parties would make lines of themselves. The question which was put had reference to railway companies being called upon. I do not believe we shall ever carry out the system of amalgamation, or that parties would ever be found to make branch lines themselves, unless you gave them certain advantages. It would be for the Board of Trade, or the particular tribunal which was appointed, to determine what those terms should be, in order either to compel the companies to make those branches themselves, or give certain conditions which it would be worth the while of the local parties to accept.

2898. You have stated that you think a comprehensive view ought to be taken of these districts before amalgamation was granted?—Yes.

2899. Has it or has it not been within your experience, within a period of five years, that parties deeply interested in districts have been extremely hostile to having railways at all introduced, and by the expiration of a certain number of years, have become altogether as anxious to have them?—Yes, but that has altogether so long since gone by that I think, during the last five years for instance, no objection could be taken to it. I know, during the last five years, very little change has taken place in many districts of the country; but, to give an illustration of what I mean, I will take the southern district of England, the South Eastern, the Brighton, and the South Western, which occupies the whole of the space from the mouth of the Thames down to Exeter or Falmouth. Now, there has been an agitation for a line as against the South Eastern, called the Mid Kent; there has been an agitation also for a line in the Brighton district, called the Direct Portsmouth; there has been also an extension of the South Western line to Exeter and Falmouth. Now, those are the three great lines that have been in agitation in that district during the last, not only five years, but I think seven years. I am not aware that there are any other very great lines that are in agitation in that district. I would make it a condition, supposing these three companies wished to amalgamate, after an inspection of the district, that the parties in the Mid Kent district should be satisfied, the Direct Portsmouth should be satisfied, and the parties in the district of the extension of the South Western should be satisfied. I do not say how the lines should be made, or where they should go, but if you do not settle the question of amalgamation, by leaving as little to future legislation as possible, your difficulties will be greater than you will be able to cope with.

2900. You have illustrated the principle you have laid down, by referring to that portion of England, and stating lines which would rather be rival trunk lines, than branches out of existing trunks?—No, not so; they are branches out of existing trunks now. The Direct Portsmouth would begin at Godalming, and end on a portion of the Brighton Railway; neither termini would be in London or Portsmouth.

2901. That would be a kind of extension of the South Western?—Yes, and of the Brighton.

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2902. Then, again, what you speak of would be an extension from the South Western to Salisbury; a continuation of the trunk?—Yes.

2903. Would the Mid Kent be a line running parallel?—Out of the South Eastern to Dover.

2904. That, again, would be a fork?—Yes; a fork.

2905. So that it would be an extension of the trunk in the shape of a fork in each of those cases; all those cases you have named, also, being agricultural districts, and, therefore, not so subject to an increased demand on the part of the inhabitants as in the manufacturing and mineral districts, where there is a great amount of traffic constantly springing up?—Clearly so.

2906. And, therefore, if it might be perfectly settled with reference to districts so situated, might it not be equally settled with reference to districts placed under other circumstances?—Yes.

2907. And yet you are of opinion, that looking forward to a period of five years, it would be possible, or probable, that in all districts of England parties may come to a sound determination as to what accommodation might be required during that period?—My answer did not go to that extent. I say any reasonable time, say five years; I think the reasonable time should have reference to the peculiar circumstances and condition of the district; in a purely local district, five years would be enough; in a thickly populated district like that to which the question refers, three years might be the proper time.

2908. Do you think that the period within which a railway ought to be tied, on the one hand, and protected, on the other, ought to be something co-extensive with a period for the revision of its tariff?—I do not know that; the period for revising its tariff would depend upon its approximating to or arriving at the point to which the maximum dividend is limited.

2909. That would be affected in some degree by the outlay which you contemplate Parliament imposing upon these bodies as a condition precedent to the amalgamation, would it not?—Not until those lines are completed, when its results will, of course, affect in one way or other the revenue of the main line.

2910. Do you consider that the making of a number of branches, for the purpose of vastly increasing and developing the traffic upon a main line, does not affect the revenue of that main line?—It will eventually.

2911. May it not very quickly?—It cannot, of course, till it is opened.

2912. But supposing it to be opened within a given period, say five years, it would very materially affect the revenue?—Of course it may affect it very materially indeed; but the chances are, that it might reduce the revenue rather than increase it.

2913. With reference to the question of audit, you were understood to say, that you would decline giving an opinion at present upon the subject of the relaying of lines, what portion of it ought to be carried to capital, and what portion to revenue?—I did not exactly say that I declined giving an opinion; I said that I was not prepared to express it off-hand. My general impression is, that I would make no distinction whatever; I would charge it all to current expenses. I think where a rail is worn out, and replaced with a new rail, that I would charge that to the current expenses. But I can quite understand, if I were going into the point very minutely, with an arbitrator for instance, that the arbitrator might assume that I was adding to the value of the road itself, and that, therefore, something ought to be added to the capital account.

2914. Increasing station accommodation, and matters of that kind, is that a point upon which parties are fully agreed as to the principle on which they ought to be dealt with?—Parties are not fully agreed on that. It is because I have seen so much difference of opinion on those matters that I think it is better to come to the conclusion that it ought all to be charged to current expenses. I have known instances where goods warehouses not large enough, in consequence of the trade increasing so much, have been pulled down and new ones built. I know of new booking offices which were rebuilt on the same principle, but the whole, both of these new warehouses and booking-offices, were generally charged to capital account.

2915. *Chairman.*] Being due to the increase of revenue?—Being required by the increased earnings, but forgetting that they swept away the original cost of the old buildings, which, at least, ought to have been deducted. That has been omitted, and it is because that item is omitted that I have been induced to believe that it would be better, when you want increased accommodation in all

all those things, to make revenue pay for all. I think it would make the executive authorities of companies a little more careful.

2916. Mr. *Henley*.] Having formed the opinion yourself, that all such matters as those which you have stated would be better charged to revenue, you were understood at the same time to say, that that is a matter upon which parties engaged in these railway affairs are by no means agreed?—They are by no means agreed. I think, in reference to the renewal of the road, and new stations and new works, arising from the increase of trade, that different views are taken by different companies.

2917. Can you give any opinion as to whether the majority of persons who are interested in such undertakings would agree with you, or would not agree with you?—I do not know that they would agree with me at all. I think they would say they had a right to charge to capital that which is fairly owing to an increase in the amount of traffic.

2918. Then is it not possible, that an auditor, acting upon the principles you have laid down, would be unlikely to satisfy a large number of persons interested?—I think an auditor would be more likely to act judicially and be looked upon as a referee who would divide it in the manner that the company's agent would suggest to him, if he saw fit.

2919. But if he did that, that would be a poor security for the Government, who had to look out for the tariff to be revised?—I think it is a just one; my view of the case is perhaps not strictly just, because I want to check extravagant expenditure. I believe that these warehouses and sheds are very often pulled down and rebuilt without the slightest necessity. I have seen goods managers of companies wanting new cranes, wharves and buildings in order to save a little manual labour. They have gone on building and making additions to their works, by which the capital has been increased, when I believe there was no necessity for anything at all.

2920. Is not the tendency at present, on the part of railway companies, to charge things to capital which, in your judgment, ought more wisely to be charged to revenue?—That has been the practice.

2921. Of course if a periodical revision, and a consequent possible reduction of tariff, were to take place at the end of that revision, the tendency might be the other way, to charge things to capital which might justly be charged to revenue?—That has been the tendency up to this point; they might continue to have this tendency, and Government, on the other hand, might wish them to have the contrary.

2922. In your opinion, do you think it would be easy to give directions to the auditor, or to have a principle laid down by Parliamentary authority or otherwise, which should enable him to decide to which of these different categories certain expenses should be charged?—I think it would be very easy for a person to adjudicate; he must take a statement from the company's officer. Suppose 10,000 *l.* had been expended in what you call a new work, by which the old work has been improved 10 per cent.; then you would have nine-tenths of that to be charged to the current expenditure, and one-tenth to capital, because the work is one-tenth better. I can understand a Government auditor, or any other party, persisting that a charge of that kind ought to be made in the accounts.

2923. But, supposing your view to be a correct one, that these things should not be charged to capital at all, how could the auditor go on then?—I am giving my views derived from a totally different idea; I want to check the expenditure altogether.

2924 You say that the auditor would be placed in this situation, that he would have to attend to the representations of the officers of the company, who might or might not differ in their views upon these matters, and then he would have to adopt with them the proportions of the charges which were to go either to revenue or capital?—I think he would.

2925. That might lead to uncertainty in some companies, according to their views, charging a larger amount to revenue and smaller amounts to capital than other companies?—It might in the first instance. I think the auditor would arrive eventually, from the experience he would have in his own practice, at such a principle as to make his decisions tolerably uniform in all cases.

2926. Do you think an auditor would be easily able to arrive at such a decision

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sion as would be generally satisfactory to the railway world as well as the public?—I will not say that.

2927. But that would be a material element on which railway parties generally would come in to submit to such an ordeal?—Supposing they were honest in their intentions, and I think you must give them credit for that, I do not see any difficulty in their coming to a proper conclusion or a proper arrangement.

2928. Descending to what is somewhat a subdivision of the subject, do you think that charges affecting termini ought to be charged to the earnings of the year, or thrown over a certain number of years?—I think, generally speaking, with reference to the permanent road, it ought to be spread over a number of years; but after a certain period the railway companies arrange to relay a certain number of miles of road during one year, and a certain number of miles in another, so that eventually it arrives at the same thing.

2929. But still, in principle, you think that the charge of relaying the permanent way ought to run over a number of years, and not over the year itself in which it may be done?—No; if the road were to fall out of repair or become destroyed in any one year, it is quite clear that you must relay it in that one year; but to charge it to the revenue of that one year would not be just.

2930. Do you apply that sort of principle to putting up a building necessary for the accommodation of traffic?—The directors, I should say, would consider whether they would allow another building to be erected; they have the power of distributing the expenditure in those respects.

2931. Did you not express your opinion decidedly that capital accounts should, if possible, be closed?—Certainly.

2932. And that they should not be open in the period for the periodical revision?—I am strongly of opinion that the capital account of most lines ought to have been closed long since, and that they ought, none of them, to have a capital account opened except for a specific purpose, and then that the expenditure ought to be for that specific purpose.

2933. *Chairman.*] The onus of proof would lie on the persons claiming to charge the expenditure of the capital?—Yes.

2934. Mr. *E. Denison.*] Did you not say you would have a sort of equitable division as between income and capital; for instance, if new warehouses had been built, and 10,000*l.* had been spent, you said, if it was 1,000*l* better than the old one, that 9,000*l.* might go to current expenses, and 1,000*l.* to capital?—If those were the proportions, that is the principle I meant.

2935. But then, would it not be difficult, if such a distribution were to be permitted, to close a capital account while works were going on?—Certainly, very difficult on a line where the traffic is increasing; if you adopt my principle of making revenue pay for it all, you may close it when you please.

2936. Do you think, regarding the necessary operations upon lines, that you could undertake to do that usefully to the public as well as to the railways?—Yes, I think so; I think that most of the lines have quite as much traffic now as they are likely to have for some time to come. I think, under a special application, for instance, if the traffic were large, and they wanted more engines or waggons than they have at present to perform the service, that a special capital might be created for that particular purpose, but for no other.

2937. Amalgamations have been recommended by some of the witnesses on this ground, that at present companies suffering constant competition are afraid to lay out capital which really they ought to lay out for the traffic of their line and the convenience of the public; but if amalgamations were permitted, and more security given to them, that then they might be induced, and would be properly induced, to lay out more money; for instance, such a case as this was put, that the London and North Western might on certain parts of their line make another set of rails, which it might be afraid to do until some security is given; now how does that view meet your opinions?—I do not know what may be the opinion of the companies; I can quite understand that there may be some lines where the dread of competition might prevent the company from either completely developing the traffic, or building the stations in a more permanent fashion, in consequence of a portion of its funds being wasted by the supposed interference of some other line. I can quite understand that; but I do not think that is sufficiently extensive to justify me in saying that that is a very strong reason for granting amalgamation. As to the London and North Western putting down four lines of rails, I myself have never been in favour of putting

putting down four lines of rails; I think it would be attended with very great inconvenience, and therefore not very desirable.

2938. *Chairman.*] Supposing an expenditure to be a clear addition to the value of the property, would you admit that it was fairly to be charged to capital?—Clearly, where the additional value is real.

2939. But you would lay the burden of proof on the person so alleging in every case?—Yes.

2940. Do you think that an audit could be so arranged as that all questions of that kind could be fairly determined?—I think so.

2941. In regard to economy of working, would there be great advantage in amalgamation?—In a great many lines there would, although, I think, some of the lines are quite large enough for good management as they are.

2942. Then your opinion leads not to a universal amalgamation, but rather to what has been spoken of under the name of territorial division?—As far as my evidence has gone, and as far as I have thought on the subject, it has certainly been with a view to territorial division; at the same time, I think that the same principles would lead to the universal amalgamation of railways.

2943. So that all the rolling stock of the kingdom should receive a common dividend, and all receipts go into a common purse?—Yes.

2944. With regard to the question of safety, is it your opinion that much of the danger which has arisen to the public has been connected with the bad state of the permanent way of many of the lines?—I think it is one source of danger, which has been more neglected than it ought to have been; I think it is a source of danger, and that it has been overlooked.

2945. It has been stated that if a permanent way be in perfect order, and the rolling stock is in perfect order, that the question of speed is not any particular cause of danger, but that, on the contrary, such being the state of the line, and the working stock, you may with safety go at almost any speed; is that your opinion?—As far as running off the rails is concerned it would be tolerably true, for on a perfectly uniform road, and with a perfect stock, you may go at any speed without any risk; but you will always bear in mind that all other sources of accident are increased by the increased speed; the chances of collisions are increased by increased speed. When you speak of increased speed you are only escaping from the difficulty of running off the line; you always fall into other classes of accidents by increased speed.

2946. Is it your opinion that in the present state of mechanical knowledge any Parliamentary limit ought to be imposed on speed?—I do not see why any restriction should be put upon speed; I was very much surprised to read the other day an opinion given by the Board of Trade inspector on a line in the north of England, wherein he said that he should be sorry to travel at 40 miles an hour on any narrow gauge line. That was Captain Wynne, at the inquest at Manchester. I read it in the newspapers, and I thought at the time that it was a very injudicious opinion to give, because he must himself have travelled at greater speed than that to get to the inquest.

2947. What you are now stating is derived from no official report, but from the newspapers?—Yes; I have seen it in more than one newspaper, therefore I suppose it to be true.

2948. What do you suppose to be the cause of the bad state of the permanent way?—The tendency to economise in the necessary works for keeping the lines in repair; I have known that tendency carried to such an extent that contracts which had endured for 10 years, during which period no complaint of the state of the permanent road had ever been made, and by the introduction of what I call an unwise economy, I have known, within a year after, a round robin to have been signed by the enginemen to the directors, complaining of the state of the road, and saying it was not safe. I know of other instances where, to economise, the roads have been permitted to get into a very bad state; I do not wish to say a dangerous state, which would be perhaps more than I am justified in saying, but in such a state as they ought not to be permitted to get into.

2949. Do you mean that the contracts had expired, and the arrangements resulted in this bad state?—Yes, by the new arrangements.

2950. In the proposed arrangement for amalgamation would you contemplate any mode by which the public could be insured against that improper and dangerous economy?—Yes; that is a very grave question, because it is admitting Government interference, assuming it is Government interference, with more

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than the mere financial operations of the company; but I must say, in defence of the public interests, in reference to safety, that I see no objection to the Government having the power of inspecting any of the permanent roads, or the rolling stock of every company.

2951. Would you recommend subjecting the company to any pecuniary expenditure in order to put the road into a right condition?—If properly shown to be in a bad state I would; but I have not quite made up my mind as to what would be the best course of proceeding on it. As to inspection, I think the Government ought to have the inspection; but as to what machinery should be employed for enforcing the Government views upon the company, I cannot say that I have made up my mind.

2952. As regards the inspection of the permanent way, the Government has that now?—I was not aware of that.

2953. But are you of opinion that taking any responsibility upon that subject into the hands of the Government might really be removing responsibility from those who have the most effectual means of remedying the mischief?—That is a danger I foresee, and is a difficulty which suggests itself to me in recommending any other course to the Committee. If I were to suggest any other course, I should fear that I should be taking away responsibility from the company, which I do not desire to do. I think the responsibility should rest entirely with them, but, at the same time, I think a machinery might be established for ensuring safety, by which a Government interference in reference to permanent roads and defective machinery might be made practicable.

2954. Are you aware that, under the practice of the law of Scotland, all persons, up to the highest servants of the companies, the directors themselves, are held criminally responsible for culpable negligence in the state of the permanent way or rolling stock?—I was not aware that they were personally responsible. I know that there is more personal responsibility in Scotland than in England. I have known cases where the principal engineers have been taken into custody in Scotland; therefore I knew that there were more stringent regulations in Scotland than in England.

2955. Now, suppose the law in England were to visit with criminal consequences gross neglect in regard to the state of the permanent way, and in regard to the state of the working stock; what would be the effect of that, do you think, in promoting public safety?—I think it would make them careful of both.

2956. Do you think it would have any tendency to place the practical management of railways in inferior hands, or that, leaving the management in the same hands, it would have a tendency to make them more careful in its execution?—Certainly it would make them more careful if it were left in the same hands in its execution; and I do not think it would have the effect of preventing a clever principal from taking the superintendence of the railways. The same principle is adopted in France.

2957. Mr. *W. Patten.*] Is that exactly so in France?—What we call director here, in France is the manager; the administration are mere office-men, but the director, who is the out-door man, is the person who would be taken in such a case.

2958. He is the only person?—Yes. I know of a case on the Paris and Rouen Railway, where a person at the head of the concern was seized for an accident that occurred on that line through supposed culpable neglect.

2959. Would you apply that to the whole body of directors?—I think it would be rather hard to apply it to directors in such cases.

2960. Mr. *Henley.*] Why?—Because they are not personally cognizant of the facts.

2961. Take the case which you have named, of a round robin being sent by the servants of the line, calling upon the directors to direct their engineer to repair the line?—If an accident arose after that, I should certainly make the directors responsible, for there they are cognizant of the facts.

2962. Should you have any objection to make the directors personally responsible if they, out of any desire to economise, neglected to employ a sufficient number of men to keep the line in safety for the public?—I do not see any objection to that.

2963. Then in both those cases which you have spoken of, do you think no hardship would result to the directors?—I do not think there would; but there would

would in the case of an accident like that which I stated occurred in France, which the directors could not be answerable for in any way.

2964. Mr. *W. Patten.*] Does not the law reach that point at the present moment?—I do not know that.

2965. Is not the law sufficient at the present moment, that if any accident occurs through the default of any individual, he is responsible for it?—If it can be brought home to him, it would be.

2966. *Chairman.*] Do you think it would be possible to introduce a system of arrangement compulsory by law upon the companies, by which the individual officers should be specified and registered, so that neglect in any particular department could be more easily brought home if the criminal law should think fit to take cognizance of it?—I do not see any difficulty in that. I believe the officers are at this moment registered. As far as the companies are concerned, it is perfectly well known, and quite notorious, what the duties are, and who are the persons charged with those duties upon the various parts of railways.

2967. At present it is not the law that culpable negligence is a case for the cognizance of a criminal court, unless loss of life has actually ensued; there is a clause in a Bill now before one of the Houses of Parliament by which, if a person is guilty of culpable negligence, it will be a misdemeanor in cases where no such fatal consequence has actually ensued; supposing that to pass into a law, do you think it would be possible for indictments, founded upon such a state of the law, against the persons responsible for each part of the permanent way, or for each division of the working stock of the railway, to be prosecuted with effect, and thereby a more wholesome spirit of discipline introduced into the management of railways?—I think it would be quite possible to make applicable this new law, and secure the object which you have in view. All you want are the names of the responsible parties having the charge of particular parts of the permanent road and the rolling stock. I can only answer the question in this way; I believe there would be no difficulty in giving you the knowledge of who the proper parties are; as to what effect the Act of Parliament might have I, not being a lawyer, cannot undertake to answer that question.

2968. But speaking as a person conversant with railways, do you think it would be any hardship on managers of railways if a legal power of that kind were brought into operation?—If an unfortunate engineer of a railway, or a superintendent of locomotives were to have this notice issued upon him, and he had not the power to spend the money necessary to meet the claim made upon him by the Government in the notice sent to him, I think it would be hard upon him that he should be subjected to this prosecution.

2969. Do you think it would be hard, after proving that he had represented the case to those who controlled the finances of the company, and they had refused to give him the requisite means that they should be held responsible?—No, I do not think that is hard at all; I think that is very fair justice.

2970. Then supposing this new law to be carried into effect, and the machinery to be instituted by which an officer could be held primarily responsible, he being able to exonerate himself upon proving that he had made the proper representations in the proper quarter, do you think the superiors of the company might then, with justice and propriety, be held answerable for the consequences?—Clearly they ought to be answerable for the consequences; and if public safety is involved in the negligence, I, for my part, do not see any hardship in the views which you wish to adopt.

2971. Have you any apprehension that enacting such laws would cause all respectable people to cease to have anything to do with railways?—No, I do not.

2972. Do you believe it would leave the railways in as good hands as at present, with a greater degree of caution and energy?—Yes, I think it would.

2973. Residing in the western part of the country, you are familiar with the case which has been specially referred to us in petitions presented to the House, with regard to the non-completion of the lines in the neighbourhood of Salisbury?—Yes, I know the district, and the history of those lines.

2974. Are there any observations which you wish to make with respect to that subject?—The observations that I should have to make upon those particular lines would in some measure be coupled with the evidence given by Mr. Saunders, who, I think, gave a view of the proceedings in that district very different from the impression which I have of those circumstances. Mr. Saunders stated that there was a breach of faith on the part of the South Western Company. I have nothing

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nothing to do with the South Western Company here, but being somewhat connected with those lines in the West of England, I think it but right that the Committee should know exactly the circumstances in relation to them. After Lord Dalhousie's Report in 1844, and 1845, which adopted the Wilts, Somerset and Weymouth Railway schemes, the South Western entered into an agreement, which I believe is already before this Committee, and the Wilts, Somerset and Weymouth proceeded to Parliament as an unopposed Bill on the part of the South Western. The South Western did not appear, and there was no opposition in the House of Commons. When the public in that district became acquainted with the fact that the South Western Company had abandoned that district, and had entered into a compromise with the Great Western Company, they formed themselves into two companies for the purpose of making a more direct line to Exeter, and they did get, I believe, an appearance before the Lords Committee in some way by landowners before the Wilts, Somerset and Weymouth Bill passed through that Committee. I beg to hand in an extract from the short-hand writer's notes of the proceedings before the Lords Committee.

Vide Appendix.

2975. Have you read the evidence of Mr. Saunders upon the subject of the line from Salisbury to the western part of England?—Yes, I have.

2976. Do you agree in the general purport of Mr. Saunders' evidence?—Certainly not.

2977. State shortly the parts of the case in which you differ from Mr. Saunders?—I differ from Mr. Saunders in one essential part of his evidence, as I have always done, that the settlement, as it was called by the Board of Trade in 1844 and 1845, was a settlement which enabled the Great Western Company to treat that country as its own conquered country. The Great Western has always so treated the report of the Board of Trade, whilst the South Western have only considered it a settlement for that particular period, to be changed when circumstances should render it necessary. I believe, on reference to the agreement itself, and to the report itself, it will be found that that view is entirely borne out.

2978. Is there any paper which you wish to put in, for the purpose of establishing your view of the case?—The papers already put in are the Board of Trade report, and the agreement between the South Western and the Great Western Companies, which, in my opinion, establish that view. I would add this, that that view which I am giving as adverse to Mr. Saunders is the view taken by five distinct decisions in Parliament, where the report itself, the agreement itself, and the parties themselves were heard, and a decision taken. And since those agreements, and since the Board of Trade report was given, I believe an inquiry has taken place in Parliament no less than five times; and on every one of those occasions they have affirmed the view taken by the South Western Company, and have affirmed the principle of direct lines through the West of England, in connexion with the South Western.

2979. In the earlier part of your evidence, you stated that whether amalgamation were sanctioned by Parliament or not, it would certainly be accomplished by arrangements between the companies themselves?—That is my opinion.

2980. What is the mode, in your opinion, in which the companies will accomplish those amalgamations?—The mode is tolerably self-evident. Where they meet at competing points it always ends, at least it always has done so hitherto, in a division of the traffic, and the moment that division takes place, for a certain number of years they then make their arrangements, that is, make their own game. As an illustration, there is Liverpool and Manchester, where there are five lines, and they make the public pay for it; that is sure to be the result which will inevitably follow.

2981. Is it your opinion that when the game has been played out, which is an expression that we have had used here, between the companies who are now competing, that a pretty general system of combination over the whole country will be the result?—There is no doubt about it; I find at this moment that the Great Western Company are charging less money to Birmingham for a greater distance, than they are charging people to Bristol for a shorter distance; that is because there is a competition at this moment between the London and North Western and the Great Western Company. When that competition ceases, they will charge the Birmingham people at the same rate that they charge the Bristol people.

2982. *Primâ facie*, that would be a good argument in favour of competition? —That is only for the purpose of producing a settlement.

2983. Is it your opinion that the game will be played out, and that then universal combination will be the rule?—Yes, that is my opinion.

2984. Whether Parliament interferes or not?—Yes.

2985. It has been an opinion expressed by one of the witnesses or more, that there is a constant tendency in the public to get up new competing schemes, and that no combination, unless sanctioned by Parliament, can be effectual; is that your opinion?—That is not my opinion; but I think difficulties of that kind will decrease every year. Just at this particular moment, and up to this period, there have been opportunities for interloping projectors to bring forward competing schemes, in order to have them bought up or bid for by rival interests. I think as we get on a little, a few years more will render that very difficult indeed.

2986. The stronger the old company, the folly will be more of raising a new competition?—No doubt.

2987. In the early stage of competition, that is, in the construction of a competing company, the established company, by reducing its rates for a time, could take away all prospect of remuneration from the competitor?—Yes.

2988. Mr. *E. Denison.*] There seems to be one discrepancy in your evidence, which it is right to give you an opportunity of explaining. You stated that you wished to close the capital account of the companies, because there had been a great deal of unnecessary expenditure in many cases, in pulling down warehouses, and building new ones, and repairing stations, and so on; but then you were understood to say shortly afterwards, that your impression was that many accidents and much danger had arisen from very improper economy in the companies; that they had narrowed their expenses, and taken off servants, and so on; now will you explain what you mean, because it seems rather conflicting?—I do not see it. I know directors do one thing one year, and the very contrary the next year. I have seen this thing done; a manager says, "I want a new warehouse." Perhaps at that particular time money is easy. They say, "Go and build one," and it is built. Perhaps the next month they may take a different view, and say, "We must economise; we must not spend this money on this particular warehouse, or on this particular line." I have known these cases occur over and over again.

2989. Then there is unnecessary expense in some companies, and improper economy in others?—The same feeling at different times affects the same company. I do not blame the directors for the improper expense, because they are led to suppose, by the representations of their agent, that a new warehouse will be a very desirable thing; that he can do so much better with it, and then they say he is to have it. I have seen, in many instances, that they might have done very well without it, and where, if the money had been mine, I would not have spent it.

2990. *Chairman.*] Have you paid any attention to the equal rates clause?—No, I cannot say that I have.

2991. We have had complaints from coalowners and persons so situated, who say that great preference is given to one set of persons as against another, under the pretence of one being a better customer than the other, whereas that is not the real object, but where really there is oppression exercised by the different companies; do you know whether that is the case?—I do not know of any case of oppression.

2992. Should you think it was right and fair to lay down any better mode of enforcing what was intended by the equal rates clause, namely, of equality to the customer, where there is an equal advantage to the company, than now exists?—Yes, where there is an equal advantage to the company; I can understand that that is a question.

2993. That is always the question?—I think Parliament has sanctioned the principle of what is called the short mileage, or the short distance clause. That lays down the principle, and people do not take much exception to it, that the use of a railway for a quarter of a mile or half a mile shall be charged for three to six miles. Carry that principle out to a man working a railway for six miles, and another working it for 100 miles. It is quite clear that the advantage which the company gets by sending the goods the 100 miles is greater than it gets by sending them the six miles.

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2994. Then it may be inferred that you rather take what is called the railway view of the equal rates clause?—I do not know what the railway view is. I can fancy that a company will always favour a long traffic, because they will, undoubtedly, make a greater profit by it.

2995. You have spoken of an arrangement, the effect of which would rather be a territorial division of the country among the different companies; now it is obvious, wherever there is a cross traffic, a person wanting to go, for instance, from a place which might lie within the territory of the South Western to another place within the territory of the Great Western, it might be by no means the interest of the two companies to carry him by the shortest route, or to give him the greatest possible facilities, but he might be carried round so as to pay a greater mileage: if this more extensive system of amalgamation is to go forward, would you suggest any particular means for providing that the public should have the greatest freedom, and should always go the shortest and cheapest way from place to place?—Yes, I would to some extent. I think that should be viewed with some care, because it might subject some of the companies to a stoppage of trains at those points of junction where they would not otherwise stop. If you are to carry that principle out very rigidly you would oblige every train to stop at every such junction in order to set down traffic, where, probably, there would not be much demand for it.

2996. Arbitration has been suggested as a mode by which a difficulty of that kind might be solved?—I think arbitration is a fair mode of settling a difference of that kind.

2997. Suppose that one company arriving at the junction of another company, and that it had a considerable amount of traffic, which it was the interest of the first company that the second company should take up and carry forward over its own line with the greatest promptitude and convenience, but that the interest of the second company was rather to divert that traffic into some other channel more productive to itself, would you not think that that was a fair case for interference on the part of the public?—Yes, I think it might be, if the advantages were very decided; but if the difference between one route and the other was not very large, I think that, perhaps, by interposing it might do injury instead of good.

2998. Still, if it was clearly a case where the public would be benefited, you would not be disposed to set up any case, on the part of either of the railway companies, of injury on account of its being less productive in receipts to them?—Clearly not. If it is a case of public advantage, I think there ought to be a power of arranging to transfer the traffic from one line to the other, even although their interests might be rival.

2999. Does not the same consideration apply very much to goods?—It does.

3000. Goods may be sent many miles round at an additional expense, and with an interval of time, not from any real difficulty in carrying them the shortest and cheapest route, but because it is more agreeable to the railway company which first receives them upon its trucks to derive a greater mileage from them?—As far as goods are concerned, I do not know that you would get any advantage, provided the rates were the same.

3001. Suppose goods, now, are carried from one place to another, by a considerable circuit, being all in one hand, or in the hands of companies having a mutual understanding and alliance with each other; but if it were the mutual desire of two unconnected companies to accommodate the goods traffic of the public to the utmost of their power, they would go by a much shorter line, and pay much less mileage; do you not think that there should be some mode of enforcing to the public that benefit?—If the public can get the benefit, by all means.

3002. Would that be through the medium of some arbitration, or control?—Yes; I think that a company could always afford, if it were a considerable distance round, to carry goods cheaper than by stopping and dropping goods at a station, or by shunting and waiting for the next train, and putting them on their line. I think they could, both in point of time and money, afford to carry them some distance round rather than part with them at the junction. However, that is a question of degree. If the public would gain an interest by the change, I think an arbitration, or some mode of settling it such as arbitration, would be a very desirable thing.

3003. Mr. *W. Patten.*] Do you think it would be possible, by any legal enactment,

ment, to prevent tacit arrangements between companies almost tantamount to amalgamations?—No, according to the present state of the law, I do not think it could.

3004. Do you think there could be no restriction on the movements of companies which would be sufficient to prevent that object?—No; I do not see how you can prevent them securing a working arrangement among themselves.

3005. Do you think that at present there is any company in existence in England which has the power of making an arrangement to its own advantage, which has not made that arrangement with another company?—I believe they all do that; I believe they all have made arrangements with other parties where their interests are affected.

3006. Do you know of any arrangement on the part of the Great Western Company which amounts to an amalgamation of interests?—I do not know the arrangements of the Great Western Company.

3007. Do you know any of the South Eastern?—No; I am not acquainted with the South Eastern.

3008. Can you point out an arrangement which would exemplify the power that companies have of making these arrangements, independent of Parliament, other than the one which you have already mentioned?—Which one?

3009. The tendency of your evidence has been to that effect?—I mean all the arrangements which have been made for dividing traffic. There is one between the Great Northern and the North Western; and also between the Caledonian and the North British, for dividing the Edinburgh traffic. There are arrangements between one company and another, such as where they meet at York, Wakefield, and Leeds, to make a subdivision of the traffic. Mr. Gladstone was the arbitrator in that case, and those are arrangements which I do not know of any law, at present, that could be put in force to prevent.

3010. *Chairman.*] What would you say to this; suppose goods were received from foreign parts at Southampton, and intended for Birmingham, would they go from Southampton to London, and from London to Birmingham; or being stopped at Basingstoke, pass from Basingstoke to Birmingham by the Great Western, if public convenience and economy were consulted, and not the convenience of the company who first receives them on landing at Southampton?—Yes; you put a case which just meets what I said before, if the public convenience were promoted by it. But the case you put now would involve a break of gauge, and, therefore, I apprehend, the company receiving the goods would be justified in taking them round, in order to avoid that break of gauge, because I do not see that the public interest would be sacrificed by it. If a double gauge were made between Oxford and Basingstoke, which is what I believe Mr. Russell pledged himself on one occasion in Parliament to make, if that were done, then of course that would be a short line, and no change of gauge. I think that state of things would be one of the cases for arbitration; but, in the present state of things, I think the arbitrator would have some difficulty in showing that a break of gauge twice over would be an advantage to the public for goods from Southampton to Manchester. I think it would be better to go round the whole distance, by way of London, than to break the gauge twice.

3011. Suppose there were a junction at Reading, and a continuous gauge to Basingstoke, would you consider that this was a proper case, if the South Western desired to carry it round by London, for an interference to cause the stream of traffic to pass by the short line to Birmingham?—I would. Without putting any particular case, I would say this: wherever the public interest would be promoted by an interference or arbitration of that kind, if you are going to grant those large monopolies and amalgamations of that kind, I think the companies ought to submit themselves to arbitration.

3012. Mr. *E. Denison.*] Do you think it would require large powers to be fixed in some central Board, such as the Board of Trade, to control and manage all these things?—It would require some Board, undoubtedly.

3013. Must it not be a Board with very considerable powers, if it is to regulate these things, and be arbitrators on all these conflicting matters?—The Board must have very considerable means; the powers I apprehend, are those which have been already alluded to in the evidence. It must have large means at its disposal in order to take cognizance of all the cases to which allusion has been made.

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3014. And to enforce its decisions?—Yes, as far as Parliament would give it power.

3015. Mr. *Labouchere.*] Do you think it would be necessary that any such central Board should have powers of a very general and summary description, or do you think that those powers could be accurately defined in an Act of Parliament?—To the extent which I have stated in my evidence, I think those powers might be given; but I should not say that a general Board might be entrusted with powers very ample indeed beyond what I have already stated.

3016. Do you not think it probable that cases might occur in which it would be necessary for such a Board to have very summary powers for the protection of the public, which it would be difficult to provide for in an Act of Parliament?—No, I think not; where the public interest is involved, I would admit then the machinery of the arbitration. I think that is a large admission, because it will embrace either the question of safety, or the question of personal convenience, or the question of permanent saving.

3017. Or local convenience?—Yes, local convenience, unquestionably.

3018. Now, does not that come in reality to committing very general powers to the Board?—I have no objection to general powers to the extent to which I have already given my opinion. If you mean general powers beyond that, I am not prepared to say so.

3019. What powers could go beyond that which are not comprised in your definition?—If there are none, of course I would go to that extent.

3020. Mr. *E. Denison.*] Then those become powers to settle all matters which arise in dispute, either in public interest, or public safety, through the means of arbitrators?—Yes.

3021. With power to enforce the decisions of those arbitrators?—Yes, I should think so.

3022. Something of that sort would be necessary if the great scheme of amalgamation was to be put into execution?—It is only on that ground that I should say the companies would ever consent to such power being given.

Lunæ, 18° *die Aprilis*, 1853.

MEMBERS PRESENT.

Mr. Cardwell.	Mr. M. Milnes.
Mr. Labouchere.	Mr. E. Denison.
Mr. Henley.	Mr. Bright.
Mr. Strutt.	Mr. Laffan.

THE RIGHT HON. EDWARD CARDWELL, IN THE CHAIR.

Samuel Harrison Cowell, Esq., and *William Rodwell*, Esq., called in; and Examined.

S. H. Cowell, Esq., and *W. Rodwell*, Esq.

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3023. *Chairman* (to Mr. *Cowell*).] ARE you Mayor of Ipswich?—Yes, I am.

3024. You called upon me this morning, with a deputation appointed at a public meeting of the inhabitants of the town of Ipswich, held on Wednesday last?—Yes.

3025. The purpose being to explain certain inconveniences which the inhabitants of the town of Ipswich feel in consequence of the non-arrangement between the two railway companies whose railways intervene between Ipswich and London; that is to say, the Eastern Union and the Eastern Counties Companies?—Yes.

3026. You are not in any way interested as a shareholder in either of those companies, but appear on behalf of the community?—I appear in my official capacity, as Mayor of Ipswich.

3027. The object being to explain the state in which the town of Ipswich is placed, and not to promote the interest of either the one or the other of those companies?—Yes.

3028. What is the mischief of which you complain?—The inhabitants of Ipswich

Ipswich complain, in the first place, that there is no quick train between London and Colchester.

3029. In your judgment, have the people of Ipswich that fair, free, and economical transit to and from London that they ought to have?—They have not.

3030. How does that happen?—I will read two of the grievances, which are set forth in a memorial very concisely and very well expressed. This is a memorial that I was entrusted with to present to the Board of Trade: "That whilst the Eastern Union Railway Company have shown every desire fully and satisfactorily to accommodate, your memorialists have reason to complain that they are put to great inconvenience and delay by the Eastern Counties Railway Company, who have at all times systematically and unscrupulously thwarted the efforts of the Eastern Union Railway Company to secure facilities, and afford accommodation for passenger traffic, by refusing to co-operate with that company in running quick trains at reasonable, or indeed, any fares at all, for the Eastern Counties Railway Company, although their line from London to Colchester is only 51¼ miles in length, and has now been opened for traffic nearly 10 years, still refuse to run any express or quick train upon it, each of their passenger trains occupying 2¼ hours (and most of them 2½ hours) in performing the 51¼ miles, whilst on their Cambridge line the same company run a train to Cambridge in one hour and twenty-five minutes, a distance of 57½ miles, and perform the distance from London to Norwich, 126½ miles, in 3¼ hours." That is one of the grievances. "That for some time past the Eastern Counties Railway Company have improperly and fraudulently intercepted all such consignments as above mentioned at Colchester, cutting off their directions and substituting others, and in opposition to your memorialists' express orders, and in spite of their remonstrances, instead of sending them on from Colchester to Ipswich by the Eastern Union Railway, have sent them from the former to the latter town in waggons and carts by the old road, exposed to delay, plunder, damage, and deterioration, and all the other inconveniences attending that mode of carriage, and to obviate which, the Legislature sanctioned the construction of the Eastern Union Railway from Colchester to Ipswich, the object of the Eastern Counties Railway Company being thus to defraud the Eastern Union Railway Company of the freight on such goods from Colchester to Ipswich." The feeling is so strong on the part of the inhabitants of Ipswich, that they are aggrieved, injured, and very much annoyed by the present conduct of the Eastern Counties Company towards the Eastern Union Company, that they called upon me, quite unconnected with the directors of the Eastern Union Company, by a requisition very numerously and respectably signed by the principal bankers, merchants, and traders of the town, as the Mayor, to call a public meeting of the inhabitants of Ipswich and its neighbourhood, to afford them an opportunity of giving public expression to their opinion of the hostile measures adopted by the Eastern Counties Company against the interests of the Eastern Union Company. In pursuance of that requisition, I called a public meeting, which was held on Wednesday last in the Town-hall of Ipswich, at which I presided, and at which the following resolutions were passed. It was proposed by Mr. W. Rodwell, and seconded by Mr. E. Corder, and carried by a large majority, "That the Eastern Union Railway Company is justly entitled to the support and encouragement of the inhabitants of the districts through which their line of railway passes; and in the opinion of this meeting the encroachments of the Eastern Counties Company into the districts traversed by the Eastern Union Line, and the attempts made by the Eastern Counties Company to intercept and appropriate the traffic of this locality, are aggressive, illiberal, and unjust." It was proposed by Mr. W. H. Alexander, and seconded by Mr. T. B. Ross, and carried unanimously, "That the inhabitants of this town and neighbourhood have great reason to complain of the want of faster trains between London and Colchester, and are put to great expense, inconvenience, and delay, by the systematic and unscrupulous attempts of the Eastern Counties Company to thwart the Eastern Union Company in their efforts to secure facilities and afford accommodation to the public." It was proposed by Mr. C. F. Gower, and seconded by Mr. W. H. Alexander, and carried unanimously, "That this meeting pledges itself, and earnestly invites the public at large, to co-operate with the Eastern Union Company in their determination to resist and repel the unjustifiable hostility of the Eastern Counties Company." It was proposed by Mr. R. Miller, and seconded by Mr. E. Grimwade, and carried unanimously, "That

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"That the following gentlemen form a committee to prepare a memorial to the Board of Trade, calling to their notice the loss and inconvenience to which the public are exposed by the mode in which the business of the Eastern Counties is conducted on the line in connexion with the Eastern Union line, viz.:—The Mayor, Mr. Rodwell, Mr. E. Corder, Mr. J. B. Alexander, Mr. Gower, Mr. Burton." It was proposed by Mr. W. Rodwell, and seconded by Mr. C. Burton, and carried unanimously, "That petitions to both Houses of Parliament in favour of the Bill for the amendment of the Eastern Union Railway Acts, to secure necessary facilities and accommodation to the district, be adopted and signed, and that the Members of this county and borough be requested to support the same." It was proposed by Mr. G. Josselyn, and seconded by Mr. W. Rodwell, and carried unanimously, "That the thanks of this meeting be given to the Mayor for his kindness in having called the meeting, and for his impartial conduct in the chair."

3031. Is your object to urge on Parliament the necessity of taking some means or other by which the traffic from Ipswich to London shall follow the direct course, with due regard to speed, economy, and convenience of the public residing in and about Ipswich?—The inhabitants of Ipswich think that the Eastern Counties Company ought to give exactly the same facilities for the trade of the district, and the passenger traffic on the line between London and Colchester, that they do on their own line between London and Cambridge. The inhabitants of Ipswich think that if Parliament has sanctioned two lines from London to Norwich, because the Eastern Counties Railway Company happen to have the first 51 miles of the Eastern Union line in their possession, it does not follow that they are to do all they possibly can to annoy and obstruct the trade throughout the entire district from Colchester to Norwich. The distance on the original line from London to Norwich sanctioned by Parliament was 126½ miles. By the Eastern Union Railway Bill another route was marked out to Norwich, which is shorter by 13 miles. The route by the Eastern Union line is 113 miles, and the Eastern Counties Railway Company run their trains for the longer distance between London and Norwich in three hours and a quarter, while by the shorter distance they take five hours.

3032. Do you mean to represent that in your judgment that is done not from any reason which ought to be satisfactory in a public point of view, but is done because the Eastern Counties Company derive a greater mileage from one mode of transit than from the other?—No doubt.

3033. Is there anything else you wish to add to the statement you have made?—I would just mention that twelve days before the new line was opened to Norwich, the Eastern Counties Company, in order to keep the traffic still on the long distance to Norwich, raised the passenger fares between London and Colchester.

3034. There being no corresponding increase on the other line?—At the time they decreased on the Cambridge line, the second-class fares were 8*s*. 6*d*. from Colchester to London; they were raised to 10*s*. The first-class trains were 11*s*.; they were raised to 12*s*. 6*d*. for the purpose of keeping the traffic off that line, and appropriating it to the other, although the other was much the longest.

3035. Now you stated that the consignments were not forwarded by the route by which they were ordered to be forwarded?—Yes.

3036. Do you mean that if goods are delivered to the Eastern Counties Company in London, directed to go *viâ* the Eastern Union, that they do not go in that way?—Yes, I do; which I can prove.

3037. Mr. *E. Denison.*] Are you cognizant of the facts yourself?—Yes, I am. I am in business myself at Ipswich, and I have directed my correspondents to send goods to me from London to Colchester by the Eastern Counties Railway, and from thence by the Eastern Union to Ipswich. I have, in order to secure that my goods should come in this direct way, sent up to my correspondents in town a printed document, and asked them to put it on each package: "Care of Eastern Union Railway Company, Ipswich Station." These goods have come, not as I have directed them, and as the printed document states they should come, by the Eastern Counties from Colchester, and from thence by the Eastern Union Railway, but they are put in carts and waggons at Colchester. At Colchester they take them from the trucks, and bring them in the night by land carriage, and they are delivered to me; and other traders have suffered to a very great extent in the same way.

3038. What is the difference in the charge, besides the loss of time, by land carriage

carriage.—There is no difference in the charge, because the Eastern Counties Company, to annoy the Eastern Union, are quite ready and willing to sacrifice all their freight between Colchester and Ipswich.

3039. *Chairman.*] These goods are charged to you the same as they would be if sent by the Eastern Union?—In point of price. Their object is to injure the Eastern Union Railway; they annoy the public very much. I consider, as a merchant of the town, I have a right to order my goods to be sent to any public conveyance which there is in the district, and which I have done repeatedly.

3040. Mr. *E. Denison.*] What has been done in the way of remonstrance, before coming to this Committee; what steps at all have you taken to try to get this matter redressed?—One great reason why the public meeting was held in Ipswich, was to give the inhabitants of Ipswich an opportunity of expressing their opinion with regard to this; it is so very general in the town.

3041. *Chairman.*] Have you ever had any official communication with the directors of the Eastern Counties Company?—Not with the Eastern Counties Company; I have taken these directions to the manager of the Eastern Union Company, and complained of it and said, "You must get this redressed."

3042. Mr. *E. Denison.*] But the wrong has been done, not by the Eastern Union, but by the Eastern Counties?—Yes.

3043. Have you sought redress at the hands of those who did the wrong?—Not directly. I have remonstrated with the manager of the Eastern Union Railway Company resident at Ipswich, telling him of the grievance I sustained.

3044. He has nothing to do with it; if you have a parcel sent by the Eastern Counties, and it is mis-sent, and sent by land carriage, have you sought redress from the people who have done the wrong; have you made remonstrances to the Eastern Counties Company, to begin with?—I have not; but I have no doubt, from its having been so universally the custom, that many of the tradesmen have done it.

3045. *Chairman.*] Are you able to furnish any information as to whether the remonstrances of the mayor and the public meeting of Ipswich has met, or is likely to meet, with due consideration from the Eastern Counties Company?—We are afraid not; we pray the interposition of the Board of Trade on our behalf; that is the prayer of the memorial I have brought with me to-day. We thought that was the best way of having our grievances redressed.

3046. Mr. *E. Denison.*] How long has this grievance been going on?—Putting on the waggons between Colchester and Ipswich is a new thing with regard to Ipswich; but the abstraction of the traffic has been going on from London to Norwich to this day.

3047. *Chairman.*] How long?—A very long time traffic has been abstracted. Persons resident in Norwich direct their goods by the Eastern Union line, and the Eastern Counties Company do not hesitate to send them down the other line.

3048. Mr. *E. Denison.*] Confine yourself to what you know of Ipswich; how long has this which you complain of, taking goods and putting them on to waggons, or any mismanagement at all, been going on in the case of Ipswich?—For the last three weeks; that is a very recent grievance; that is one great reason why the public meeting was held.

3049. How recently?—I should think within the last three weeks or a month. I am bound to say that there is a tradesman in the town, a gentleman in large business at Ipswich, who can state he was annoyed in the same way by his directions being taken off the parcels, and their coming in another way.

Mr. *Edward Corder*, called in; and Examined.

Mr. *E. Corder.*

3050. *Chairman.*] WHAT steps have been taken to bring under the notice of the Eastern Counties Company the feelings which the people of Ipswich entertain on this subject?—Immediately that they diverted my packages from the regular course in which I directed them to go by, the Eastern Union Company, I consulted their accredited manager in Ipswich, whose name is John Head, and said, "I do insist upon it that my goods come according to direction over the railway to Ipswich." He said, "It is of no use your insisting upon it, I will bring them cheaper for you than in any other way." I said, "I do not want that; I am satisfied with the treatment I received from the Eastern Union; I wish my goods to come by it." He said, "It is of no use your ordering us to do it; we

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are only carriers to Colchester, you cannot compel us to deliver at Ipswich." I said, "I have here part of a box lid, where they removed the direction and put their agent's name upon it. He said, "Prove it." I said, "I think that is actionable." He said, "So it is if you can prove it, but you cannot prove it." I said, "I insist on it that my goods come by the rail." He said, "That is of no consequence; we shall bring them to you just which way we think proper."

3051. Mr. *E. Denison.*] In point of time, if they had gone on in due course by the railway, when would they have been delivered?—They would have been delivered at nine o'clock in the morning, on the average.

3052. Coming by waggon, when are they delivered?—They have within the last few days been earlier; when I complained at first they were not delivered till two o'clock in the day; but they have now got them in quite early by putting the trucks containing these goods for Ipswich on to the night mail train down, and then they are there before the shops are open in the morning.

3053. In the first case there was a difference betweeen nine o'clock in the morning and two in the day?—Yes.

3054. What is the distance between Colchester and Ipswich?—Seventeen miles and a half.

3055. *Chairman.*] Is your interest in this matter purely as a tradesman residing at Ipswich, and not connected at all with any interest in either of the railways?—None whatever; I am not a shareholder in either; I have no interest further than to have my business done in a safe and creditable manner. —(Mr. *Cowell.*) I do not go so far as Mr. Corder, to say that I do not hold any shares. I hold some shares in the Eastern Union Company, but not to a very serious amount. I appear here as mayor of Ipswich. I should not have been here if I had not been mayor of the town of Ipswich.

Sir *William Cubitt*, called in; and Examined.

Sir *W. Cubitt.*

3056. *Chairman*] IT is not necessary to ask you as to your great practical acquaintance with the subject of railways; but I know from a book that is before me, a Report of a Committee of the House of Lords in the year 1846, that you have paid particular attention to the subject of amalgamation?—Yes.

3057. And that you are of opinion that better arrangements might be made by Parliament with a view to increase the value of the stock of the shareholders, and also to promote the good management of the railways in the serving of the public; what are your views upon that subject?—My views are, that within a moderate space of time such a measure might be carried out as would make the system of railway management very uniform, and do away with a great many of the difficulties which now arise with respect to separate boards of management and separate directorships, and matters of that kind.

3058. Do you propose to unite all the railway property of the country ultimately in one common stock?—Yes, after a time. My notion is simply this, that the whole of the railway property should be held in an entire proprietary; that is to say, instead of a simple amalgamation, as companies are understood to be amalgamated, it should be a complete fusion of all the railway property in the kingdom; and that at one time or other, sooner or later, according to the arrangements made, whether by valuation, or by efflux of time, to determine their values, they should then merge into a common stock or great fund, say 20 years' purchase, whether their earnings after a time are 2½ per cent. upon the original capital, or 5 per cent., or 10 per cent.; the length of time which that amount would represent in the common stock of the funds, and that the debts, bonds, debentures, and things of that kind, might all be got rid of by something like terminable annuities, properly managed; the whole of the property of the railways would then merge into one common property. Every establishment for the maintenance and keeping up of railways would keep in play or use just as they now are; but they would all be available for the entire concern. The management, according to my notion, would be one distinct board of the largest and best and most useful of the proprietary; it should be an elective board, and there would be district committees distributed over the kingdom to take the management of the different districts, and in correspondence with that; the whole concern would be the property of the present proprietors, and would be managed by the proprietors, and controlled by a special Government Board of

good

good standing for that purpose; to take the judicial part of the concern, if I may so call it.

3059. That would, in short, be a universal amalgamation of management of all the railways in the kingdom by a single company?—Yes.

3060. By a single board of directors resident in London, having local committees subordinate to them, for the management of the different districts?—Yes; for instance, wherever there is now a railway board sitting, and a board of directors, there is the proper place for appointing a district committee of proprietors, supposing them to be fit men for the purpose.

3061. What nature or extent of power would you propose to entrust to the Government Board that you have referred to?—I would entrust to them the settlement of differences between the public and the railway proprietary.

3062. Suppose, for instance, that the railway board, instead of always furnishing the shortest possible mode of communication from one place to another, under pretence of there not being a sufficient traffic to justify it, or under any other pretence, carried the public round, and charged them an extra mileage, would you leave to the Government Board authority to prevent such an abuse as that?—The cause for such proceeding then would have ceased, having done away with the individual interest and the individual jobbing (for that is the truth), which I have seen a great deal of, by which people are carried round, and charged more for different purposes. It is not for the good of the company; sometimes it is for the good of an individual.

3063. Where there are two lines communicating between two different places, it might be the interest of the amalgamated body to work all the traffic, or nearly all, upon one of those lines, carrying very little upon the other?—No; because there would not be an amalgamated body acting against another amalgamated body; it would be the case of amalgamated railway companies.

3064. Suppose there were two towns, and they were connected by two different lines of railway, of which the shorter one passed through a district with very little local traffic, and the longer one passed through a district where there was a great deal of local traffic; might it not be for the interest of the proprietors to carry the public round by the longer line where there was most road traffic to be picked up by the train, and where the mileage would be greater, and either wholly or in part to close the shorter line where the mileage was less?—There would be two words to that bargain. One of the things which a Government Board should take into its hands is, that the country should be supplied. There would be but the same quantity of passengers to take up in one way or the other; and as the thing would all go into one fund, or for the benefit of one large fund, it would matter not to the proprietors whether they went one road or the other.

3065. It would matter to the proprietors that the whole return should be as great as possible, and the working expenses as small as possible: might they not seek to promote that by carrying the passengers by a more circuitous route where the mileage was greater, and saving in the working expenses by not keeping the shorter route open, or scarcely keeping it open?—That might occur, or might be attempted in some cases; but they would have no power, I should say, to shut up a single line of railway which was in existence when the fusion took place.

3066. You would look to the Government Board to interfere and prevent that?—Yes.

3067. Have you ever considered, when you created one combined interest possessing all the railway property in the kingdom, whether under a popular form of Government it would be easy for a department of the Executive Government to control so powerful a body?—I doubt whether the body would be so powerful and troublesome then as it is able to be now, because it would be less individual. Even the largest proprietors would have less personal feeling. They could not benefit themselves without benefiting the whole stock.

3068. Do you mean in each particular case the proportion of gain to be derived by unjust practices to the dividend of the shareholders would be less?—Yes. I am not able to devise on the instant a complete code of management; what I am stating is a mere general opinion upon a principle. The principle might fail for what I know; but still I think it might be worked out.

3069. What would be the probable effect if the whole body of proprietors took one view for their own interest, and this central authority took an opposite

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view for the interest of the travelling public?—I do not myself see far enough through it to see that it could be worse than it is now. It is bad enough I know; I would have a much more powerful Board of Control than you have now, much more organized, and far more extensive; I think you would be able to keep the districts in order by that means.

3070. How would you constitute the central board of directors to be resident in London?—I do not know that I could say how I would constitute them.

3071. Would you have the central board of directors elected by the proprietors?—I have stated already that I would have them elected.

3072. By the proprietors?—Yes.

3073. Looking at the question of safety in travelling, are you of opinion that any general regulations being adopted by Parliament, or by the Executive Government, would tend to insure greater safety to the public?—I think greater safety to the public would arise from a general proprietary, because every inch of the ground would be then fairly apportioned and kept in order, and every part of the management, or every part of the mode of reparation and keeping up, would be alike throughout the kingdom; everything with regard to gauge, and everything with regard to engines, plant, and stock of all kinds, would become uniform everywhere, let the carriage or engine stop where it might, or go to where it might; it would require no shifting of carriages, or anything of that kind; they would always be at home wherever they went. The same workshops should be everywhere for the same purpose, and under the same interest.

3074. It has been proposed to extend to this country the more severe practice of the criminal law which it appears prevails in Scotland, with regard to railway accidents; are you of opinion that such an extension of the criminal law to consequences of neglect on railways would tend to produce beneficial results?—I do not know whether it requires to go so far as it does in Scotland; I think it wants to go further than it does here, as to the liabilities and responsibilities.

3075. Would there be any difficulty in inducing persons of as much responsibility and competence as now serve the railway companies, to continue to serve them if the penalties for negligence were more severe?—They may be very easily made too severe; I think that might have an influence with regard to those who would accept office.

3076. Suppose it were the universal law applying to the whole profession of engineers; for instance, it would be the business of an engineer still to remain in his profession, and to do the same things that he now does, even although the law were rendered so much more severe?—Yes; but there are a great many steps before you get to that; because almost all our accidents arise from neglect in the operatives, to begin with; signal men, for instance, from great neglect in signalling. No person high in office, no chairman of a board, could ever be criminally prosecuted for a switch man having applied the wrong string, and caused a great accident.

3077. The principle of the Scotch law would not extend in that direction; but suppose a particular individual were made responsible for the care of the permanent way for 100 miles of the line, and that if the permanent way were in disorder he was held responsible, unless he could prove that he had taken due steps as far as he was concerned, and that the neglect was with somebody subordinate to him, or superior to him; that is, either that he had given orders for repair which had not been executed, or that he had asked for authority to spend money which had been refused; but unless he could show one or other of those things, he, by virtue of his office, was to be responsible for the road of which he was the official superintendent?—No doubt; I have been in cases of that kind in Scotland myself.

3078. What do you say to the policy of adopting such a principle as that into the law of England?—I think, in a degree, it might be grafted into it.

3079. With advantage?—With advantage. I think so, from the anxiety there is displayed when an accident happens in Scotland.

3080. Does not the organization of railways naturally divide itself into three parts, the state of the permanent way, the state of the rolling stock, and the arrangement of the traffic?—Yes.

3081. Would it be difficult to specify upon every portion of a railway, for instance, every 100 miles, who was responsible for each of those departments?—Not difficult at all.

3082. Would there be any injustice in holding the person so responsible open to criminal consequences, if he was guilty of culpable neglect, tending to the risk of life?—That would cause a better looking after in their department.

3083. And would not have a tendency to drive away from the service of the companies those respectable and competent men whom it is desirable to retain in their service?—I think not; if a man does his duty thoroughly, he need not fear the consequences.

3084. Mr. *Bright.*] Have you attended inquiries with respect to accidents before coroners' juries?—Very little indeed; when I went to Scotland, I went over more as an assessor.

3085. Have you ever been present at the trial of a case of this kind?—No.

3086. From your knowledge of the circumstances under which accidents occur, do you conceive it easy to fix the responsibility or criminality which attends an accident upon any particular person?—It is very difficult, for one reason, that the cause of the accident generally rests perhaps with two departments, and the place where it happened is entirely torn up by the engine or the carriages.

3087. Now we will take the case of the terrific accident between Bolton and Manchester lately, at Clifden?—Yes.

3088. Did you read the evidence?—I think I did read it; but I have no clear recollection of it.

3089. Some persons thought that the road was in bad order?—Yes.

3090. That the rails were in bad order?—Yes, I think that is very possible; I can quite imagine that.

3091. Some thought that the engine being a four-wheeled engine, and not a very new one, was not capable of running express speed?—I know of no speed at which a good four-wheeled engine may not travel; what I mean is, that there is nothing in its being a four-wheeled engine or an eight-wheeled engine.

3092. Others thought that something had happened to the axletree of the engine?—Yes.

3093. In these accidents generally does it not appear to be a dangerous thing to punish men criminally, when the circumstances are such as to be almost incapable of proof?—I would not punish them then; I would not punish them except there is some proof; if there be no proof, what can you do?

3094. From your own experience, would you say that in the majority, or in any considerable number of railway accidents, you would lay hold of any particular man, and say, "You are guilty of manslaughter," or anything else you choose to call it, and deserving of two years' imprisonment or transportation, as the case might happen to be?—It is very difficult; but it will happen sometimes that you could, and could fairly.

3095. Have you ever heard of a case?—I do not recollect one myself.

3096. Mr. *Henley.*] The answer which you have given, that because in some cases it might be possible to fix persons properly with legal proof, does by no means involve that parties should be convicted without legal proof?—I do not suppose that parties will be convicted without legal proof.

3097. That is no reason why, if there could be legal proof properly found to fix individuals with blame, they should not be punished?—I do not see any reason why they should not; I have said so already.

3098. Mr. *Bright.*] Did you hear of a bad accident when the Oxford line was opened, and Mr. Gooch was driving the engine at the time?—I remember on the Oxford line, the other day, a bad accident happened when Mr. Gooch was not driving himself.

3099. Are not these accidents of such a critical character that they happen from little more than a moment's inattention, and do you not think that to punish a man criminally for such a thing would drive every man who had a regard for himself from the service?—I have said already that I would not punish a man criminally except it is proved; if it was proved I would punish him.

3100. What would you call a case in which it was proved?—Where there is clear proof that the man did something that he ought not to have done, or neglected to do something that he ought to have done; prove either of those, negatively or positively, and then the case is proved, and you ought to punish.

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3101. Take the case of Wolverton Bridge. A dreadful accident happened at a siding from the man omitting to give the signal, or turning the wrong switch?—That was clearly proved.

3102. That he did it?—Yes.

3103. What would you do with the man who did that?—Why, punish him.

3104. As much as if he had stabbed somebody in a broil, which is called manslaughter?—I would punish him in some degree commensurate with his folly or guilt, whichever it might be. It might be inadvertence, but he should not go unpunished. I would have clear good laws, and have them well administered.

3105. Mr. *Denison.*] Suppose that any superintendent of the permanent way, who was responsible for it, and that it should be brought to his knowledge or communicated to him by engine drivers or others, that the permanent way was in an unsafe condition in any particular part for rapid travelling, and he was to say, you must go on with the travelling, would you call that a case of culpable neglect?—Yes, if accident arose from that place before he had sent to repair it, or it was repaired; I think he would be blameable if he was in charge.

3106. Mr. *Bright.*] Suppose he had himself examined it, and was of opinion that it was not in an unsafe state, and then it became a question of dispute before a tribunal, how are you to fix anything like criminality on that man?—That must all come out in evidence. If he had been communicated with, and informed that in the opinion of a third person it was in a dangerous state, and he did not go to look at it, or did not send to have it looked at, he would be culpable. I think the law is quite stringent enough, but not well enough administered.

3107. Mr. *Laffan.*] Suppose, without any representation made to the superintendent of the permanent way, an accident occurs, an engine or a train runs off the line, and very serious consequences ensue, and thereupon an inquiry is held, and an examination is made of the fragments of the engine, and there is generally a difference of opinion as to whether the accident arose from some defect in the engine, or from some reckless driving of the driver, or from some defect in the permanent way?—That is the difficulty.

3108. Suppose the engine is all smashed, and the permanent way is torn up, it would be very difficult to prove that the accident arose from one of those causes or the other; but if it could be established before a coroner's jury, that upon an examination of the adjoining parts of the permanent way, to the extent of a mile on each side, it was found to be in extremely bad order, would you then fix a criminal responsibility on the person in charge of the permanent way?—Yes, if it was in bad order for a mile, or half a mile, each way.

3109. Suppose, on the other hand, it was established that this engine was a very old one, that it had not had a thorough repair for a very long time, that it had merely had little odd jobs done to it, and that it was represented that it was not positively unsafe, but not fit to run at high rates of speed, and that the permanent way was in fair order, would you then fix criminal responsibility on the locomotive department?—It is impossible to say, without better evidence than we generally have.

3110. Supposing you could trace the responsibility to any one department, would you then fix the responsibility on that department?—If you have two departments mixed up with it, then comes the difficulty.

3111. Supposing you are able to trace the responsibility to any one department, and the head of that department proves that he has made representations to the directors that certain expenses ought to be incurred for his department, and that he has been told to postpone that for the next half year, because the funds are not sufficient, where would the responsibility rest?—I do not know where I should place it, but the Scotchmen would place it with the Board of Directors.

3112. *Chairman.*] The law is now, where death ensues, any person who has been guilty of an illegal act is guilty of manslaughter?—Yes.

3113. The extension of the law would contemplate this, making it an offence to be guilty of negligence which tends to a loss of human life, although, in point of fact, no individual comes to his death; the difficulty then, in proof, would be perhaps easier in the latter case than in the former, since the line has not been torn up, nor the engine destroyed, nor the confusion of an actual accident taken place?—Yes, I think that probable; the great difficulty always is,

or the great management always is, not to have evidence come out exactly as it would come out of itself.

3114. You mean that there is difficulty in getting at the truth?—Yes; there is always cooking up.

3115. Do you mean with the servants of the company?—Yes; in whatever way it may be, there are some persons interested in the cooking up, or management of the evidence, and it is difficult to get at the truth.

3116. Would it not, then, be more easy to prove the new offence of which I have spoken, than it now is to prove manslaughter where death has occurred?—I think it would be.

3117. Because if the permanent way were in disorder, and the Government inspectors had called the attention of the company to it, and required them to repair it, and they had not done so, it would be possible, under that new state of the law, to indict somebody for that negligence?—All these things arise from railways attempting to be made at very cheap and at very low estimates as to everything, and to make shift to get them going. The railway goes on in that way; then trade becomes good; and they want to draw heavier trains, and then they must have larger engines. Then the engines do not fit the roads, and they knock themselves all to pieces very soon. Then we begin to have these great accidents regularly. If there were always a good permanent way kept there would be very seldom any accidents; sometimes there would be, because we cannot avoid accidents altogether.

3118. Is it fair to suppose that the weather, during the recent winter, has exposed the companies to more than ordinary trials?—A great deal more.

3119. Then, is it your opinion if certain persons were held responsible to the law for the state of the permanent way, certain other persons responsible for the state of the locomotive stock, and certain other persons responsible for the management of the traffic, and they were guilty of an offence, if any negligence tending to risk of life could be proved, that that state of the law, such as I have described, might be applied to the management of railways with advantage to the public interest?—I think it might; if it were clearly set forth, and very carefully and properly administered, I think it might improve the present state of things.

3120. Mr. *Laffan.*] Do you not think it would be looked upon as a very great benefit by all the engineers and managers of lines if such a law were established; that, upon their representation to the directors that they required such things to be done, it would entail on the directors, in case of refusal, the consequences of a criminal charge?—If they refused, and gave no good reason for their refusal.

3121. If they unreasonably refused to incur expenses necessary for the public safety, do you not think that such a state of the law would very much strengthen the hands of all the men who were engaged in the out-door work of the railway?—No doubt it would; and for that reason I want to have a right good administration of the law in some way, out of the hands of the railway proprietors or the railway officials, or a board to resort to, if there are to be any people to say what shall be done.

3122. *Chairman.*] Do you think the directors are ever deterred from expenditure that they would gladly incur, in order to secure the public safety, by the fear that their shareholders may not approve of it at the general meeting?—I do not know any people so exceedingly virtuous that they will not neglect doing a little for the sake of getting money.

3123. Do you mean that the board of directors would in every case desire to save, even although public danger would be the consequence?—No, I do not think that they would, if they thought so; but it is difficult for a man to think exactly that way if his interest is the other way; that is the reason I want some other appeal. Instead of those pecuniarily interested, I would have a board of control that could be referred to on matters, and even keep the officials straight as well as the board or managers; boards I would have none, in the common meaning of the term.

3124. Is it your opinion that want of punctuality is a great cause of accidents on railways?—A great cause, certainly.

3125. Might not punctuality be made a matter assured and certain?—Yes, if people would give up a little of their interest.

3126. If, instead of taxing an engine to the very utmost, an engine was never taxed

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taxed beyond what we may call its strength, punctuality in the arrival and departure of trains might be made a much more certain matter?—As to taxing an engine beyond its strength, the engine will stop when it cannot pull its load.

3127. Suppose you start on a fine day with an engine taxed to the utmost, and bad weather comes, and the rails become slippery, then is not the want of punctuality almost a certain consequence of such a state of things?—Yes; and from the want of punctuality accidents are more likely to ensue.

3128. Mr. *Bright.*] What would you say to a railway which runs through a country with half a dozen other railways communicating with it, and working trains along with it; how would you propose to ensure punctuality when one train on one line depends upon the arrival of another train on another line?—I should say that those who make the arrangements for those meetings would be the best persons then to look to, certainly. Those who lay down the rules, if they do not make such rules as will work, become responsible parties.

3129. You know Normanton in Yorkshire?—Yes.

3130. Where the Lancashire and Yorkshire Railway runs into the Midland?—Yes.

3131. Suppose an express train from Aberdeen or Edinburgh coming south is timed to join an express train running from Normanton to Manchester, in a distance of 300 miles some little accident might happen to prevent that train arriving there at the precise time advertised?—Yes.

3132. What would you do with the train which should run on to Manchester in connexion with that; would you insist on its starting at a precise moment?—At a precise moment; three, or four, or five, or half a dozen minutes afterwards; but it should start at so near the time that a disaster would not be likely to ensue.

3133. And the passengers coming 300 miles from the north, if they arrived five minutes after the time advertised, would be left there some hours, until the next train?—That does not follow at all; they could be sent on special, if there was any fault.

3134. Do not you think if you sent them on specially you would create a much greater risk by putting a special train on the line, than the risk you get rid of by dispatching the train before the other arrived?—If you put the train which has been stopped as a load to the next one that follows, you might do as much mischief by doing that as by sending it on specially; a great deal of that is cured now by the electric telegraph.

3135. On the line referred to, the Lancashire and Yorkshire, it is said that they have a station every two miles the whole length of their line?—Yes.

3136. Do you think that strict punctuality is obtainable over a line 300 miles in length, where there is a station every two miles, and a great number of passengers to get in and out?—I do not think there is such an instance as that. There may be stations every two miles some little way.

3137. There are stations every two miles on the average, over the whole of that line?—If there are, then those are not roads for express trains; they are picking up trains; they are a sort of bye trains upon the line, not the main trains of the Lancashire and Yorkshire.

3138. Do you mean that punctuality is only necessary to be maintained for the express trains, and not the picking up trains?—Not at all; the express trains could not run to stations every two miles; those are branch lines, and very useful; they do not partake of the nature of express trains.

3139. *Chairman.*] Are you of opinion that if there be a trunk line, which has a great number of branches running into it, and has consequently to pick up traffic at a great number of stations, punctuality would be particularly valuable to a line so circumstanced?—Yes.

3140. And that any arrangement that might be made for securing punctuality, would be particularly desirable in such a state of circumstances?—And a great many disasters happen from many branch lines coming into the main line, and from want of punctuality at those junctions.

3141. Mr. *E. Denison.*] On those picking up lines that have been spoken of, is there any reason why there should not be punctuality if sufficient time is permitted for the operation?—No, I have so stated before; but I say lines of that character, with stopping trains so very frequently, are not proper lines for express trains; express trains are not admissible on them.

3142. You have spoken of a very large scheme of amalgamation, that should ultimately unite all railways into one body?—Yes.

3143. You have been examined on that scheme; but you have said, that as to the details on the constitution of the board and the management, you have not formed any exact opinion how it should be; now what is your opinion of the amalgamations that are proposed to Parliament, and which are now under the consideration of this Committee; what in your opinion will be the effect of of those amalgamations?—I cannot go thoroughly into that, because I have not thought of it, but I think they would not be productive of much good; I think it always best to keep railways separate, and to make them work into each other, and not to give power to separate railway boards, because then they begin to plot and scheme against others directly; if they are worked by proper management from one line to another, it would be accompanied with less evil.

3144. You have spoken of the great evils that exist, of many local boards and local district managements now?—Yes, I have seen it myself.

3145. Now, if there were considerable amalgamation permitted, so that the local management, instead of being in 20 hands, was in 10 hands, would not that diminish the mischief *pro tanto*?—I do not know that; I do not feel sure that it would, because there are many lines worked together which are not amalgamated at all.

3146. Mr. *Laffan.*] You said, that a line having a station every two miles is not a proper line for an express train; by that answer you did not mean to debar a line having a station every two miles from running express trains through at times when there was no local traffic on it?—I should say it might run an express train through in the middle of the night.

3147. If the local train passed at eleven o'clock, and there was a clear interval, you might run any train you liked, and at any speed you liked, from one end to the other, whatever number of stations there might be?—Yes, certainly; but during the day when trains are stopping every five minutes, you could not do it. Great things may be done by the electric telegraph, but danger cannot altogether be done away with, do whatever you will, although you may have good roads and good engines.

Mr. *Archibald Sturrock*, called in; and Examined.

3148. *Chairman.*] WILL you state what office you hold?—Locomotive engineer to the Great Northern Railway.

3149. Mr. *M. Milnes.*] Have you been long engaged in that business?—I have been three years with the Great Northern Railway Company.

3150. What company were you engaged with before that?—With the Great Western Railway Company.

3151. How long were you there?—Ten years.

3152. Were you engaged in the same department with the Great Western?—Yes.

3153. State the nature of your duty?—My duty is to find power and rolling stock for the whole of the railway, to work that stock, and carry out the orders issued in the time bills.

3154. Are the engines manufactured under your own superintendence?—They are manufactured to my designs, but they are not manufactured in the workshops of the railway.

3155. Are you responsible for those engines being in a perfect state?—Yes.

3156. Has there been any considerable change in the fabrication of railway engines since the time when you first undertook this business?—I think there has been great progress within the last thirteen years; a machine can now perform a better duty at a much less cost than it did then.

3157. Is the expense of constructing railway engines increased or diminished?—I think the cost of an engine is much greater than it used to be, because they are made of greater dimensions and greater powers. Probably the different parts are produced more cheaply, but the parts being greater in number and greater in weight, cost more money.

3158. Do you attribute many of the accidents that have occurred on railways to defect in the locomotive power?—No; I think not. I think that the principle of the locomotive power, generally speaking, has not been to blame; many accidents may have occurred from the improper driving of the engines.

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3159. But not from the defective construction of the engines themselves?—There have been cases, certainly, but I think a small proportion only.

3160. When an engine is first made, how is it tested?—The strength of the boiler is generally tested by water, and also by steam got up to a high pressure. This tests the strength of the boiler, which is the part that might explode, and in fact is the most dangerous part of the engine; the rest of it, the mechanical power, is tested by the engine being run on the road with a train.

3161. Is there any part of the testing of an engine which it is more difficult to determine than another?—No.

3162. With respect to the tires of the wheels, is it possible to test an engine so as to determine whether the tire of a wheel is such as to be secure against accidents?—I think it is impossible always to say positively that there is not a flaw.

3163. In the accidents that have occurred in connexion with the tires of wheels, have you reason to think that it would have been impossible to prevent them by any additional care or supervision?—I believe generally impossible.

3164. Are you responsible for the engine being in a perfect state when it is placed upon the rails?—Yes.

3165. Do you personally test the engines yourself?—I examine many of them; but my foremen and manager put them on the road, and they are thoroughly examined by them, if I do not do so myself.

3166. Does it frequently occur that engines are declared imperfect and sent back?—It is not uncommon to have slight alterations, but I do not think it is common to have an engine rejected.

3167. Can you suggest any means by which accidents which now occur might be avoided in the superintendence of the locomotive power of railways?—From the general character of that question it is difficult for me to give a reply; if you ask me as to any particular accident, I can answer it.

3168. Do you think any alteration in the superintendence of the locomotives would increase the public security?—I think it would be a very great point that the engine drivers should be gradually better educated, and a better class of men generally. If it were possible by any means to do this, it would increase the public security in the driving of the engines.

3169. Do you attribute the accidents that have occurred considerably to the negligence of the drivers?—I have no doubt that many accidents have happened from the negligence of the driver, mainly from his not feeling thoroughly the responsibility attaching to him, and not keeping continually a look out so as to see signals.

3170. What is the education of the driver of a locomotive at the present moment?—The driver of a locomotive is generally first the cleaner of an engine. A sharp active cleaner is promoted to be a fireman, and after firing three, four, or five years (his abilities soon show themselves) he is made a driver. That is the ordinary routine education of probably two-thirds of the drivers in the kingdom.

3171. Is there any examination of his intellectual qualities or his knowledge?—He is obliged to be able to read and write. It has been a most difficult thing to get good drivers. Many people, myself amongst others, have attempted to raise mechanics into the position of drivers, but we have always discovered that they were what we term "fair weather drivers"; that they preferred gaining 5*s.* a day in bad weather in the shop, to gaining 7*s.* a day on the road; and therefore they gave us so much trouble, that we were glad to resort to the usual mode of making drivers, which I have before described.

3172. Has there been a considerable improvement in the quality of the drivers since you were first engaged in this profession?—The drivers in the country now are much more experienced than they were 13 years ago; and, I believe, they are running higher speeds as safely as they did a low speed before; therefore that shows an improvement.

3173. Are there any means of testing when an engine becomes unfit for work?—The performance of an engine is tested to a great extent by its arriving at its destination at the proper time, and also by the fuel it consumes. The economy of an engine is a fair test of its condition. The strength of the different parts of the engine must be tested by frequent examination, and it is well known by experience that, generally speaking, the outer shell of the circular part of the boiler is not likely to be deteriorated much until a set of tubes has been worn

worn out. When the tubes, which are the flues for taking the heated air from the fire to the chimney, are taken out, men are sent into the circular part of the boiler, and it is thoroughly examined in that way. Any defect in the fire-box, which is rectangular, is easily discovered, because a lad goes in every day to clean it out and put the bars in. In fact, the driver reports whether there is any bulging or leakage, both of which are easily detected. Any defect in the stays which strengthen the rectangular part can readily be discovered by striking them with a hammer, when the noise given out tells whether they are broken or not.

3174. Is the engine examined in that way after every trip?—Every trip on well-regulated railways. The driver signs his name every day in a book. If it is "all right," he puts "all right," and signs his name; if it is not right he mentions what is wrong, and signs his name, and then it is examined and repaired.

3175. Is that duty, as far as you know, carefully performed?—I have no doubt of it.

3176. Have you been able to affix any period to the powers of an engine so as to determine at all in what time it becomes necessary for an engine to be repaired?—No, I think an engine may be made everlasting if desirable, and if it happens to be of such proportions as are fitted to carry on the business of the company. It can be kept up for ever by portions being replaced; in fact, the old engine disappears altogether, and a new one takes its place, but it is done so gradually that it is the same engine.

3177. Will not an engine be perfectly safe to go at a certain speed, and insecure to go at a higher speed?—Yes; there are engines of such a construction that it would be dangerous certainly to go at a very high speed with them, whilst they are quite safe at a low speed. There are many engines of that description.

3178. When you say "such a construction," would that rather belong to a peculiar construction than to engines in general?—Yes; there are engines with four wheels, engines with six wheels, and engines with eight wheels, and the construction of those engines varies, sometimes giving them powers of steadiness, and sometimes taking away from those powers.

3179. Is the question of the number of wheels that would be desirable for locomotives decided among railway engineers?—I think there is a difference of opinion amongst engineers as regards engines, although I think it is pretty generally admitted, that above a certain weight should not be carried on a pair of wheels; therefore if it is necessary to create an engine above a certain weight, it is necessary to put more wheels, and thus distribute the additional weight. It is pretty generally understood that it is not very secure to run at a high speed with four wheels, because if one were to fail, the engine is such a heavy body, that when driven at a high velocity, it could not run on three wheels, therefore it is thought desirable to put six at least, because then one might break, and yet the engine be supported.

3180. Have additional wheels been made to engines of late years?—There have been six-wheel engines for 16 or 17 years, I should think; I am unable to say how many years exactly. The Great Western Railway Company has used engines with eight wheels for the last eight or nine years.

3181. Is it your impression that the permanent way of the railway of which you have the superintendence is generally secure?—I believe so.

3182. It has not been laid down for any long period?—No, it has been opened to London within these two years and nine months, so that it was new then.

3183. Do you think that accidents very much depend upon the condition of the permanent way?—I think that there could be no security without a good permanent way.

3184. Is there any danger of a permanent way getting so out of repair as to be insecure for the public, without at the same time being sufficiently bad as to be necessary to call it to the attention of the engineers connected with the railway?—I should think not; I believe that any railway getting out of order would be immediately reported. The usual process is, that the locomotive engineer would report to the resident engineer that the road was unsteady in certain parts, in his belief, and then it would be examined and repaired.

3185. Can you at all fix the period during which a permanent way will remain secure?—I am quite unable to do so.

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3186. Does the security of the permanent way depend much on the weather?—I think very much indeed.

3187. In what way?—For instance, during the last winter, the very long continued rain rendered the ground so wet, that if you touched it it would have made it worse instead of better in many parts; therefore, of course, the weather renders it very difficult indeed to keep up the permanent way. A heavy frost coming after rain, and then a thaw, renders the ground very difficult to meddle with, and makes it very difficult to keep up a railway.

3188. Is it possible so to superintend the permanent way, that there should not be an occasional sinking at certain parts of the railway which should not be observed?—I think that there must occasionally be uneven surfaces; I do not think it is possible to keep a railway always perfectly straight; I cannot conceive it possible.

3189. Do you think that accidents have frequently occurred from this sinking of the rails of the permanent way?—No, I do not think so. I think the engines which are now used are constructed with such flexibility, that they adapt themselves to the railway. It is quite possible to construct an engine which even a considerable deflexion of the permanent way would not throw off the line.

3190. Is there any difference in the construction of the permanent way of the Great Northern from that of other permanent ways?—I think there is an additional sleeper under the permanent way of the Great Northern, and also that the sleeper is triangular instead of rectangular, with the apex of the triangle down instead of a flat surface lying on the ground, as is generally the case.

3191. What was the object of that?—I believe I know, but I cannot state it so well as Sir William Cubitt.

3192. Have you anything to do with the working expenses?—I have the full and entire control of the working expenses of my own department.

3193. Have those expenses varied considerably since you have undertaken that department?—The working expenses of the Great Northern have not varied very materially.

3194. Do you happen to know whether the working expenses are very different on different lines of railway?—Very different indeed.

3195. What sort of difference?—The locomotive expenses of railways have varied from 7½*d.* or 8*d.* up to 18*d.* or 19*d.* per mile, within the last three or four years, taking the published statements of the various railways.

3196. Do you happen to know whether they vary much at the present moment?—No, I think the limit at present is about 8*d.* to 1*s.* 1½*d.* or 1*s.* 2*d.*

3197. Is it your opinion that the working expenses of a railway would be much affected by a process of amalgamation between two separate railroads?—I think, in a very large body, that the probability is the working expenses would be increased.

3198. What reason have you for that supposition?—From the natural sluggishness which creeps into a large body governed by committees, who are dealing with technical subjects.

3199. Do you think that by concentrating the attention of the officers of one company upon the affairs of that company alone, that probably the working expenses would be less than in the case of a very large amalgamated company?—I believe that where officers are made fully responsible, and have full control over a railway of a certain size, they will work it more cheaply than any very large amalgamated body could be worked.

3200. Mr. *Bright.*] Does that arise, from your opinion that there would be a greater concentration of responsibility than if it were spread over a larger district of country, and under the management of a greater number of persons?—Yes, I believe that the management of a very large body would be through committees. I wish to confine myself very much to my own department, which is a technical one. The locomotive department would be managed by various committees, residing in various parts of the country, having various engineers advising them; those committees reporting to a central body, would probably make concessions to each other; and I can quite believe that, in many instances, an engineer and his committee would be obliged to carry out orders which they entirely disapproved of; therefore I believe that there would necessarily arise non-responsibility and less interest in the business, and consequently increased expenditure.

3201. Mr. *M. Milnes.*] Do you think that the administration of railways would

would be affected by the process of amalgamation?—I certainly believe the expenses would be increased per mile.

3202. Do you think that the responsibility would be diminished?—If I am right in my explanation of the reason why the expense would be increased, I cannot conceive any responsibility whatever attached to an officer who was carrying out an order which he did not approve of.

3203. That would be very much the same case with running powers being forced on a line which did not choose to receive them?—That seems to me a very different question altogether. It appears to me that running powers, or an engine running over a line, must be governed by the rules of the company over whose line it runs, and it would be criminal to offer any obstructions, such as wrong signals, which would soon be discovered if an accident took place.

3204. *Chairman.*] You are superintendent of the locomotive stock, and the whole of the rolling stock of the Great Northern Railway Company?—Yes.

3205. Turning to the question of public safety; you have heard the evidence which Sir William Cubitt has given with reference to a more stringent discipline, involving liability to criminal proceedings, being applied to those who hold situations of that kind; is it your opinion that those who discharge their duty to the company, and to the public faithfully, would be afraid of such a discipline or not?—I think it would press very anxiously upon the minds of persons in my situation, having the control of servants from London to York, to Leeds, to Hull, and various other districts; and I conceive that the natural way in which it would be met by any such officer would be by a lavish expenditure, thus taking care that he would, as far as money would promote it, quite clear himself of all responsibility.

3206. By "lavish expenditure," you mean putting everything in a perfect state of repair?—No; I do not mean that, because I certainly have served under two boards of railways, and I am quite sure I can say for them that I never knew a proposition affecting public security that was not at once met by them in the most liberal manner possible; but I think that would probably not be sufficient to clear an officer under the proposed change of law, and he, fearing that, would probably be induced to be very lavish in his expenditure; the result would be that he might clear himself of responsibility, but, necessarily, mulct the railway in unnecessary expense.

3207. Suppose the law to be that culpable neglect is liable to criminal punishment, although no death ensues, and that some person be held responsible for every part of the management of a system of railways, would it be possible for you to establish such a state of discipline in your department, that in case of culpable negligence in regard to any particular engine being proved, it might at once be known to the law who was the engineer with whom that culpable neglect rested?—I believe that such proof exists at this moment.

3208. Then it would not be difficult to apply a new law which made culpable negligence criminal, even although death did not ensue?—I can conceive it quite possible, if you could prove that such negligence would have been sufficient to cause an accident.

3209. Assuming that, in a particular case, it is proved that there is, in regard to a particular part of your department, culpable negligence, which, if not checked, tends to the risk of life, would it be difficult to prove who was the individual guilty of that culpable negligence?—I think, in the first place, you would have to prove that there was something wrong. That would be your difficulty, because unless an accident happens, it would be necessarily matter of opinion whether an accident would happen or not.

3210. We are informed that there is now on the table of the House of Lords a Bill for the reform of the criminal law, containing a clause to the effect that I have mentioned; that culpable negligence, tending to endanger human life, shall be a criminal offence; what in your judgment would be the operation of such a law on the working of the railway with which you are connected; could you divide your department in such a way as that some individual should be responsible for each division of it, so that no negligence could occur without its being either his culpable negligence, or his being able at once to show whose culpable negligence it was?—I think that railways, for the purpose of carrying on their business, are so divided, and that the work is so classified and arranged in departments, that we can check, to a great extent, the way in which the duties are carried on. I do not think otherwise any railway could be well managed.

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3211. The reasonable inference from that would appear to be, that such a change in the law would work easily and justly as regards railways; is that your opinion?—I have no doubt that upon an accident happening, and when you can prove the cause of it, you could discover the person who had been negligent; that I can believe.

3212. Supposing a particular engine were in a state very hazardous; that no accident had happened; and it was desired to bring somebody within the criminal law for the continuing dangerous condition of that engine, would not the discipline of the railway with which you are connected be such, that it would be always clear who was the individual against whom such a charge ought to be made?—Yes, I think so.

3213. With regard to the permanent way, do you feel that you are competent to speak upon that subject?—I would rather not; it is not in my department.

3214. Do you think that the existence of such a law as has been referred to would have any tendency to cause gentlemen like yourself to leave the service of the railway companies, and to discontinue their profession?—I think it would have a very serious effect certainly upon servants of railways, inasmuch as I feel satisfied it would lead to a very lavish expenditure, very detrimental to railway companies.

3215. Do you mean that it would lead to an expenditure over and above what was necessary to conduce to safety?—I think so. You have stated a suppositious case, in which an engine is supposed to be out of order, and that that engine being out of order might lead to criminal information against some officer; it is quite clear that that being a matter of opinion, any officer who might be criminally informed against for the supposed state of this engine would necessarily spend any sum of money rather than subject himself to such an information.

3216. Do you think the effect of such a law being passed would be to lead to an expenditure far beyound what good sense and practical experience would say were right?—Yes, I think so; I think that would follow.

3217. Mr. *M. Milnes.*] Would you not allow that it was better that there should be a mistake rather on that, side than on the other, so that, however lavish the expenditure might be, yet the public security would be provided for as far as possible?—Only I think the public would have to pay for it under those circumstances.

3218. Do not you think that the public are willing to pay anything for security?—I certainly do not think so.

3219. *Chairman.*] The question is, how far accidents might be prevented by greater attention to punctuality. Is it your opinion that, by allowing always a little margin in the degree to which you loaded your trains, you might insure that the engines should be able to perform the work with greater punctuality than they now habitually do?—I think that must follow as a consequence.

3220. Now you have told us that the mileage expenses do not, upon an average, run higher than something less than used to be the price of a pair of post-horses; viz., 1 *s.* 1 ½ *d.* per mile?—That is the expense of the rolling stock of some railways, but that is a very high expense; many railways are down to 8 *d.* or 9 *d.* per mile.

3221. Then it ranges from 8 *d.* to 1 *s.* 1 ½ *d.* per mile?—Yes.

3222. What is included in that sum of 1 *s.* 1 ½ *d.*?—The engine and carriages.

3223. Then you mean that the cost to a company for running a train is less than used to be the payment for a pair of post-horses, when people travelled on the common road?—The sum I have stated is the cost. I believe that post-horses used to be 1 *s.* 6 *d.* a mile.

3224. And now a train can be run at a cost to the company of from 8 *d.* to 1 *s.* 1 ½ *d.*?—Yes, that is the fact; that is merely the power.

3225. You said the power and the carriages?—Yes, and the carriages; the rolling stock.

3226. You exclude, of course, everything in the shape of interest on the great expenditure in making the railway?—Yes.

3227. You exclude everything in the shape of expenditure for the maintenance of stations?—Quite so.

3228. You confine yourself exclusively to that which was the subject of my inquiry, namely, what is the difference of cost of running two trains rather than one?—Yes, it includes cost of repairs, water, coke; not the guards, but the drivers;

drivers; I speak of the expenses of my own department; it includes drivers, firemen, the repairs of the engine, the fuel, the water, and the repairs of the carriages, but no interest on the stock, line, or the stations.

3229. Mr. *Bright.*] And no interest on the engine or carriages?—No, or in any way the expenditure of making the line, which is the great expenditure.

3230. *Chairman.*] Then, the lavish expenditure of which you have spoken would tend to increase that which now costs from 8*d.* to 1*s.* 1½*d.* per mile?—Very much.

3231. But it would be limited to that?—No; those that are now spending in the locomotive department 1*s.* 1½*d.* would spend 1*s.* 4½*d.*; or those that are now spending 8*d.* would spend 12*d.* or 11*d.* It would depend on the feeling of those who were conducting the business as to what it was necessary to do to put them in perfect security.

3232. Mr. *Bright.*] Is it your opinion that such an increase of expenditure as that would materially increase the security of travelling?—I think not; I do not think so.

3233. *Chairman.*] But you have said that punctuality is a great cause of safety?—I do not think I have answered that question so; I believe it to be one of the sources of safety.

3234. And that great care always to leave a margin in the strength of the engine would greatly tend to punctuality?—That, I think, follows as a consequence.

3235. And would therefore tend of course to safety?—Yes.

3236. And the utmost mischief that could happen from allowing more margin in the strength of the engine, and the load proportioned to it, would be measured by this sum of 1*s.* 1½*d.* per mile; suppose you sent two trains instead of one train, the maximum cost that you would be put to would be 1*s.* 1½*d.* per mile?—No, that would be the cost of the rolling stock, but there would be depreciation of permanent way, guards, and various other expenses; at the same time I may state, that sending two trains for every one would so multiply the trains on the line, that instead of having fewer accidents, you would in all likelihood have more.

3237. I am not supposing you would send two trains in place of every one; I am only supposing the case where you overload an engine, and cause the train to be unpunctual, and encumber the way; that particular train would be divided into two; I assume that that is the case with a very small number of your trains, not all of them?—I do not think it is often the cause of unpunctuality.

3238. What is then?—Detention at stations; perhaps a steamboat detained half an hour crossing the Humber, and the train being obliged to wait for it; a passenger losing a box, and the train obliged to wait five or 10 minutes while it is found. Those who work railways see these detentions continually; I have seen detentions caused by parties coming and wishing a separate compartment for themselves, and the guard being sent round to get it.

3239. Are you of opinion that such is the exigency of the public for these detentions, for various reasons, that it would be unreasonable to blame the companies for want of punctuality in their trains?—I do not mean to say that companies are not sometimes to blame; but frequently they cannot avoid it; companies are always very anxious to keep time.

3240. Supposing an engine were not overweighted, would it be generally possible to make up time by a little greater speed?—I think so.

3241. Therefore, notwithstanding these little accidents at stations, if the company did not run the matter to the finest possible point with regard to economy, greater punctuality, and therefore greater safety could be attained?—I believe that greater punctuality would produce greater safety.

3242. Is not the great cause of want of punctuality a too great determination to pare down every expense?—I really do not think so; I believe the great cause of want of punctuality is detention at stations, and running up speeds to the highest point the engines could maintain, when all circumstances are favourable, for the sake of giving the public convenience, instead of its being any source of economy to the companies.

3243. Mr. *M. Milnes.*] Is it left to the discretion of the driver upon your line to make up for lost time?—I think we are not unwilling to see lost time made up occasionally, so as to bring the train punctual, because we believe that it is safer to do so than to leave the train unpunctual.

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3244. Are there any precise orders or directions upon the subject?—No orders, except that he must not run at any speed that is unsafe, or at a speed that, from the state of the road, or any other cause, it oscillates. He is desired never to run at any unsafe speed.

3245. He is to prefer to be unpunctual rather than incur any of these dangers?—Yes.

3246. *Chairman.*] Is it not the goods trains and the excursion trains that are most open to the charge of unpunctuality?—Yes.

3247. It is not the express trains that are usually unpunctual, but the slow ones?—I was not thinking of express trains; I was thinking of ordinary class trains, which are now timed very quickly, although they are stopping trains.

3248. You have said that two things are the cause of unpunctuality; detention at stations, and the desire to give the public the maximum speed; is it not the stopping trains, or the slower trains, which usually sin against punctuality, and if the engine were not loaded up to its powers, might not that unpunctuality in these slower trains be avoided?—I think if an engine is not loaded up to its power, that necessarily it can run faster and make up time, if such time has been lost at a station; I think that is a necessary consequence.

3249. Is it not the result of your evidence, that it is in the power of the companies to ensure punctuality to a much greater extent than they have hitherto done, and that the additional cost to which they would be put in doing so would not be very great?—I believe that by loading the trains less heavily you might have in some cases greater punctuality, but I believe the cost of dividing trains would be very great indeed. You may not be able to run an engine at such a speed, even if the train be divided, that it could safely make up the time lost at the ferry or the junction; you might thus have a small load, and yet the train might be unpunctual.

3250. Do you hold that it would be unfair severely to blame a company, any portion of whose traffic was habitually unpunctual?—I think that a company that could be shown to have a particular portion of its trade always unpunctual ought to be asked or desired to alter it.

3251. If unpunctuality be a frequent source of danger, and if companies are habitually unpunctual, are they not open to very severe reprehension?—I think the time bill should be altered.

3252. Mr. *Bright.*] You have been at the Crewe station?—Yes.

3253. You are aware, probably, that the trains from the north of Scotland, and Lancaster and Preston, come by Warrington to Crewe, and meet the train that comes from Manchester to Crewe, and they then run on together to London?—Yes.

3254. And also that the train from Holyhead joins at the same place?—Yes.

3255. Now the train from the north will sometimes be twice as long as at other times?—Yes.

3256. A train like that coming up to London would be very heavy; what would you propose in such a case; is unpunctuality to be avoided by any means?—I think where the average traffic could be shown to be of such a weight as to be beyond the powers of the class of engines on the railway, that the train should be divided, and the time bill arranged accordingly; and I believe no company would object to such an arrangement, because the traffic would compensate for it.

3257. If such a state of things should arise once a week upon the arrival of one of the great steamers from New York, for example, or any other accession of passengers, would you think that the company should be held criminally responsible because trains were not punctual under such circumstances?—I think that a company having such a traffic as that would order their officers to put on a special train when such a boat arrived, and in that way might be tolerably punctual.

3258. Mr. *M. Milnes.*] In arranging the time bills for the purpose of pleasing the public, is there not a tendency to make no allowance for those delays, and therefore, in the end, very much to disappoint the public as to the time of the arrivals?—I believe that the public show such a decided preference for any time bill made out to arrive at a given point in less than by any other route, that they

they will always prefer it, and I believe that railways have in consequence timed their bills to please the public.

3259. Mr. *E. Denison.*] You have said that if persons in your situation were to be held liable and responsible, you think that the result would be very lavish expenditure; is not one of the great expenses of a company falling into accidents; accidents are very expensive things, are they not?—I have heard that compensation is a very serious matter; but it has never come within my province to know what was paid; the expenses of my department I can speak to.

3260. Which would be most likely to cost the most money, to have to do some repairs to an engine, or to smash an engine to pieces in a collision?—I believe an accident to be such a serious matter to a railway, that they would rather expend any sum of money than have an accident.

3261. Would not any money spent with judgment in keeping engines in repair, be likely to be less costly in the end than the neglect which should lead to accidents with those engines?—The money I speak of would be money spent over and above the amount necessary to keep the rolling stock in good order. I do not mean to give in evidence that the money lavishly spent would be well spent.

3262. If it is necessary to spend money upon engines, would it not be prudent to do so, rather than that those engines should fall into absolute accidents?—I think that locomotive engineers have discovered that the cheapest way to keep up an engine is to spend enough money on it, that then it does its duty more cheaply for the railway, and therefore they feel inclined to spend sufficient money to keep it in perfect working order.

3263. In the early part of your evidence, you said that you thought amalgamation would lead to increased difficulty of management, increased expense, and ultimately to danger, from the want of single supervision over particular objects and parts of the work; now you have got in hand, you say, the whole rolling stock between London and York?—Yes.

3264. Supposing an amalgamation of the Great Northern with the lines forward to Edinburgh was to take place, and that somebody else was to have the management under that company of the rolling stock from York to Edinburgh, why should there be any increased difficulty, or any increased expense in such a state of things, or why should you not work just as harmoniously as you work now, with another company?—My belief is, that in very large bodies the management of those bodies takes place by committees from the central body (I wish to confine myself to my own department), that those committees dealing with technical subjects are advised by engineers holding different opinions, and on the committees' meeting to issue orders, they would necessarily have different views, which would lead to concessions among themselves, and in all probability to an issue of general orders which might not be consistent with some particular parts of the railway.

3265. Now you say that the management would be broken up into committees, and that under those committees they would perhaps give contradictory or inconsistent orders, but there would be some manager, such as yourself, probably, to have a district in which you would have just the same powers of control as you have now; your department would not be likely to be interfered with in any way; there would not be two or three people to do what you do now?—It is very likely I might receive orders to use a particular material, and conduct a business in a certain way that I might disapprove of; it is quite possible.

3266. Do you think that when there was a uniformity of system over a district, there would be likely to be more contradictory management than there is, where there are four or five different boards acting independently?—I believe that the nearer you can approach the ordinary mode of conducting a commercial business in the railways the better. I believe that railways of great magnitude would necessarily have districts of country which ought to be served by distinct classes of engines; and if there was an attempt to create a perfect uniformity in the sort of stock working that railway, it would be detrimental to its interests.

3267. *Chairman.*] Does it not happen that, in the history of a railway, sometimes the lighter engines are superseded by heavier engines; and would it not be a source of economy to the company, when they were getting heavy engines for their main traffic, if they were possessed of branches which could be worked by the lighter engines which would be superseded by the heavy engines on the main

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main line?—That I can conceive; because in any stock a railway will possess engines of different classes.

3268. That would therefore be an argument, as far as it goes, in favour of amalgamation?—Yes, but one assumes that the railways have properly classified stock at present.

3269. Mr. *E. Denison.*] Have you ever known, during your experience for many years as to the repairs of locomotive engines, any limit placed to your discretion in expending money in the most perfect and effective repairs, and making engines safe and sound in every respect?—I never have: I stated that before.

3270. *Chairman.*] Why do you think your expenditure would be very lavish if it were increased?—Because I may run the risk of being put a couple of years in prison.

3271. Mr. *E. Denison.*] You have answered, that you have never known any control or limit put on the expense of keeping engines in perfect efficiency and repair?—I never have.

3272. Mr. *Laffan.*] Is any limit placed on your discretion as to the amount of locomotive stock you should maintain for any particular quantity of work or mileage?—I can only say that I have never made a demand for stock, and shown any reason why it would be required, and it was refused: it never has been refused.

3273. *Chairman.*] Why should the fear of being answerable for culpable negligence induce a lavish expenditure over and above what is necessary for all the purposes of safety?—Because I think you put a suppositious case, where people would be called in to give an opinion whether a machine was likely to be in a dangerous state or not, and if the gentleman conducting the business is to be subjected to a criminal information on a matter of opinion, it would be a very serious thing.

3274. Mr. *Henley.*] Suppose it was a matter of fact, instead of a matter of opinion, that the engineer in charge of a great department was either so careless or incapable of judging sufficiently whether his stock was or was not in a proper state, do you see any reason why he should not be punished criminally, if he let the stock get into a bad state?—I think such a person should not be at the head of an establishment.

3275. Mr. *Laffan.*] You have had the good fortune to serve two companies who have placed no limit on your discretion in the amount of money you expended for promoting the safety of the public; but suppose it to have been your ill fortune, as I know it to have been the ill fortune of some individuals of your profession, to serve a company where you made a representation that your locomotive and rolling stock was totally insufficient for the ordinary working of the railway, and you were told that you must work on with that, and instead of having an addition to your locomotive and rolling stock, a great increase was made in the work you had to do, until at last you ceased to make any representations at all to the directors, because, to use the words of the man who gave the information, you found it was of no use, do you not think your position would be much bettered by changing the law, so that all responsibility should be taken off you on its being proved that you had made such representations, and fixed on the directors, who had refused you the supply?—I should suppose that my correspondence would have cleared me. I think there would be great doubts whether a person placed in such circumstances should remain in the service of the company; but I should have thought that the correspondence in the office of an officer making such a representation would have been sufficient to have cleared him.

3276. *Chairman.*] That would have thrown the blame on somebody else?—Yes, I think so certainly; I think the correspondence of the office would necessarily throw the responsibility upon the board.

3277. Mr. *Laffan.*] Do you think that any law attaching general responsibility to the board, in circumstances of that kind, would tend to lessen the willingness of your profession from serving railways?—No; I believe that those who have their living to make must serve; but I think it would lead to such an expenditure that the public would not benefit, and railways would be seriously damaged.

3278. Mr. *Bright.*] Is it not the fact that most of these questions as to engine power, and expenditure, and so on, are matters of opinion rather than matters of demonstration?—

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demonstration?—I think the state of a particular machine, whether it is safe or not, is quite a matter of opinion under many circumstances.

3279. Mr. *Laffan.*] Could you not classify the engines on your line, and fix the amount of work that each could do; that is, the load it should take at a certain speed?—Yes; I think very nearly so.

3280. You could not lay down a general rule for all railways, because of course the gradients and the permanent way vary on different railways?—Yes.

3281. But knowing the character of the permanent way, the steepness of the gradients, and the speed of the different classes of trains on your line, do you think you could fix a load for a particular engine?—Yes; the load could be fixed with practical safety; I do not see any particular difficulty in saying that an engine of a certain class should not take more than a certain load.

3282. But in case of an accident, if it was proved on inquiry that the load which had been pronounced to be the proper load for that engine had been exceeded, would you think that was a state of circumstances which would fix the responsibility attaching to the accident upon the person by whose orders the load had been exceeded?—Yes.

Veneris, 22° *die Aprilis*, 1853.

MEMBERS PRESENT.

Mr. Cardwell.	Mr. E. Denison.
Mr. Henley.	Mr. Laffan.
Mr. W. Patten.	Mr. M. Milnes.
Mr. Bright.	Captain Jones.
Mr. Stuart.	

THE RIGHT HON. EDWARD CARDWELL, IN THE CHAIR.

Edward Edmund Peach Kelsey, Esq., called in; and Examined.

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3283. *Chairman.*] ARE you the Mayor of Salisbury?—I am.

3284. Do you appear here for the purpose of explaining to the Committee certain general inconveniences which, in the opinion of the people of Salisbury, have resulted to them from past legislation on the subject of railways?—I do.

3285. Will you be so good as to explain the case which you wish to lay before the Committee?—Perhaps it might be convenient that I should state the facts generally, first of all, that the Great Western Company, or rather a company in alliance with them, under the title of the Wilts and Somerset Company, obtained in the year 1845 powers to make a system of railways, amounting to, I think, seven different lines; and in pursuance of those powers, which have been from time to time extended and increased, they have made a certain portion of that system; but the original scheme which they brought before the public, and upon which they obtained the support of the public of Salisbury and that neighbourhood, on whose behalf I now appear to complain, was to make a trunk line from Thingley, in the neighbourhood of Corsham, to Salisbury. That was the scheme which they propounded at Salisbury, representing that it would entail great advantages, as was undoubtedly the fact it would have done. After that, a change took place in the plan, and it was extended westward. The whole of the capital was raised, and, for all I know, may be expended. At any rate they have constructed the trunk portion of the line to Warminster only, there stopping, and although application has been made to them courteously to continue the line, they refuse to do so; at all events, they make no reply whatever. We then complain of the system by which railways are enabled to cover the country upon paper, and deprive other parties, who may be willing to afford the public means of communication, of the opportunity of doing so. The inhabitants of Salisbury, for all trading purposes, if desirous of travelling, or sending goods to Bristol, or backwards and forwards in that direction, have first to travel by coach to Warminster. They then go by a circuitous route over the Wilts and Somerset line

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line to Thingley, and eventually they get deposited, by means of the Great Western line, at Bristol. But parties wishing to come from Bristol to Southampton or Portsmouth, are sent round usually by the Great Western Company all the way to Reading, and from thence to Basingstoke, and then on by the South Western to their destination. Thence arises, I believe, the true reason of the indisposition on the part of the Great Western Company to complete this link to Salisbury. If that link were complete, of course the traffic would be direct to Salisbury, which would be carrying them only 20 miles more over the Great Western line, the Wilts and Somerset having merged in the Great Western Company; but now the Great Western Company carry them more than double that distance, by taking them *viâ* Reading and Basingstoke, so that the public are really compelled to travel quite two miles instead of one on that account, and therefore paying so much into the pockets of the Great Western Company, and really making the interest of the public entirely subservient to the private interest of the Great Western.

3286. The Great Western having a Bill giving them powers between Warminster and Salisbury, and also having actual possession of the ground requisite for laying the railway?—Having the right of possession; I cannot say that they actually have the possession, because although they have contracted for the purchase of all the land, they yet have relet a portion of it, because they do not want it, and will not use it.

3287. Are there any works in progress?—Not in progress at this moment; there are a great number of embankments and cuttings, some to the depth of 25 feet, certainly from 12 to 25, in various parts; bridges have been constructed, roads have been turned, and the country is left now in an unfinished state. There are portions of works over the greater part of the line between Warminster and Salisbury.

3288. Whereabouts are these works?—The works commence immediately adjoining Salisbury; they continue to Wilton; they then continue towards South Newton; then a gap occurs. At Wiley and other places, and thence to Warminster. They have constructed more or less at Warminster. In the neighbourhood of Warminster the road has been turned, an arch has been constructed, and so on. In the neighbourhood of Heytesbury and Corton, I think, they have constructed works in the water meadows, which interfere with the due irrigation of the meadows. I am also requested on behalf of the inhabitants of Bradford to state, that a branch from there to Bath formed a portion of the Wilts and Somerset scheme; and I believe it is rather an exceptional case, for in one of the Acts there is a clause actually compelling them to make that line.

3289. Which line?—Bradford to Bath, and that still remains uncompleted; they have not made it to this day; the distance being by road about eight miles from Bradford to Bath, and the population consists of 12,000 inhabitants. If they want to go to Bath by rail, they are carried to Chippenham, and from Chippenham through the Box tunnel, before they can arrive at Bath, making a route of something like 27 or 28 miles, whereas they ought to be taken in eight. This system is carried on, as we allege, to the serious injury of the inhabitants of this part of the country. Now with regard again to the Warminster and Salisbury branch, if that line were completed, it would open up a communication with the Radstock coal countries and the Glamorganshire and other iron works. This would have a very great effect indeed on the poor of Salisbury with regard to coal, because they would be enabled to sell it at Salisbury at from 10*s.* to 15*s.* per ton for the very best of the kind. At this moment we are, or very recently we were, paying something like 30*s.*; but in the middle of the summer we pay at least 22*s.* or 23*s.* per ton for coals at Salisbury. The same remark will apply to the carriage of all heavy goods in that part the country. Perhaps I need scarcely state that from the west large supplies of cheese, meat, butter, and various commodities of that kind are brought. One gentleman, who had the honour of appearing before the President of the Board of Trade the other day, pays for the carriage of goods merely over that unfinished part of the line between Warminster and Salisbury 500*l.* a year on the average.

3290. In cartage?—In cartage, for the carriage of goods alone; he is a large cheese dealer and farmer, and for the carriage of these things alone over those 20 miles he pays 500*l.* a year. If this line were constructed, the utmost cost probably would be from 4*s.* to 5*s.* per ton, the cost being now about 15*s.* per ton;

ton; and that is the way in which, as an instance, one individual suffers from the power of large companies to resist all applications from without to comply with their contracts.

3291. Is this what you would suggest, that neither established companies, nor anybody else, should receive the sanction of Parliament to a Bill without some effectual security being taken that the line so granted to them will be actually completed and opened for traffic?—Exactly so. We ask on behalf of the public that railway companies should not be allowed to occupy the whole country on paper, and be still promoters of lines, as this particular company are. The mischief to the country and the mischief to individuals is precisely the same. We take the liberty of laying this before the Committee, with the hope that it may have the effect on their minds of inducing them to take some steps to prevent public companies from being promoters of further lines without giving the public the advantage they should do.

3292. When do the powers for completing this line expire?—In June 1854.

3293. Is that under a renewal of the Board of Trade?—Yes, under a renewal.

3294. Can you give me any information as to whether this line would be made by independent persons if this country were not in the possession of the Great Western?—I think I may take upon myself to say, that there is not a shadow of doubt that if the Great Western would positively give up that tract of country, that there are others who would be willing to come forward and make it. They stated when the line was promoted that the traffic returns would pay six per cent.; upon that assumption the Great Western Company guaranteed the then promoters of the line four per cent., and a rateable division of profits after arriving at a certain amount. I have not the slightest doubt that that is the only portion of the whole system of the Wilts and Somerset and Weymouth scheme which would be really profitable; but it does not answer the purpose of the Great Western Company to make that portion of it, for the reason I have already stated.

3295. That they may get a greater mileage by sending the people round?—Yes, and the public are sacrificed; there being no parties competent to struggle, or having any means, except through the assistance of such a tribunal as I have now the honour of appearing before, and making their grievance known.

3296. Do you mean that, according to the system of railway legislation hitherto, it has been a contest between the promoters on the one side, and the persons immediately interested, that is, the landowners, whose lands are cut, upon the other; whereas no just and comprehensive view of the public interest has been discussed before the Committees?—Exactly so. I say myself, as representing the inhabitants of Salisbury, that they have no *locus standi* before any tribunal at which they can make their grievance known, and by which they can obtain the insertion of a compulsory clause for making this railway, or any other railway; in fact, it is simply a struggle between a landowner and the promoters of certain companies. The landowner gets the best price he can for his land, and the public are left in the lurch.

3297. You have represented to us that the reason why this line is not made is, because if people wanted to go from Bristol, for instance, to Southampton or to Portsmouth, it is more conducive to the interest of the Great Western to carry them round by Reading than to take them directly through Warminster and Salisbury; would there, apparently from the map, be a corresponding interest on the part of the South Western Company that people should go round to some place rather than go to Salisbury?—I have not the slightest doubt that the South Western are by no means desirous that that line should be made.

3298. Suppose that independent persons connected with Warminster and Salisbury should get up a line to unite the Great Western at Warminster with the South Western at Salisbury, would it not be necessary that Parliament should take some measure for securing to the trains of that Warminster and Salisbury Company, or to the passengers carried in those trains, fair and speedy transit over the lines of the two great companies into which they would run?—Yes, it would; because in the event of the hostility of the Great Western and the South Western Companies being carried to an injurious extent, they would so arrange their trains, that perhaps the intermediate loop company could never make theirs fit, and the public would be sacrificed again.

3299. Mr. *E. Denison.*] Do I understand it to be one of your proposals that, a company having got possession of the ground in the way in which this company has,

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has, should not be allowed to ask from Parliament any new lines or new works until they had completed their old works, to which they were already engaged? —Just so; I ask on the part of the public, that companies, when they come before Parliament for any new scheme whatever, should first be required to complete all schemes they have in hand, or that they should proceed with them at a reasonable rate.

3300. Mr. *Bright.*] Would you apply that rule to the Acts of Parliament which have been passed in previous years, or would recommend that rule for the future?—I would most strongly recommend that the effect should be retrospective; and I think that this is a most striking instance of the necessity. A great and wealthy company, like the Great Western, can afford to set the world at defiance, except through the intervention of Parliament.

3301. You recollect the state of things seven or eight years ago with regard to railway speculation; probably the fever extended even to Salisbury?—It did.

3302. Do you not think it possible that schemes at that period, or since, have been concocted, and Acts of Parliament obtained for them, which it might not be desirable to force on a company to carry out?—Undoubtedly, there may be cases in which lines have been proposed during that feverish period, which it would not be advisable now to carry out. Those are exceptional cases.

3303. Would you confine your opinion to this particular case between Warminster and Salisbury?—In this particular case between Warminster and Salisbury, and Bradford and Bath, I think those arguments could not apply.

3304. Is there not now liberty for yourself, for example, and any persons of property in your neigbourhood, to get up a company to make a line from Salisbury to Warminster?—I think it would be impossible to get up a company for that purpose at this moment, because already there is a company in existence possessing the powers for making that line; and it is not for me to question what Parliament would do, but it might possibly be alleged in Parliament that there was a company in existence possessing the powers of making that line.

3305. The powers of the Great Western Company are running still; they have not expired?—They have not expired.

3306. How soon do they expire?—In June 1854.

3307. If they should not make it by June 1854, when these powers expire, you would be at liberty to come to Parliament to make that line?—Yes, no doubt of that.

3308. And the Great Western, knowing that, would decide either to make it or not; but that would be an element in their consideration?—No doubt it would.

3309. Suppose they do not agree to make it, and you come for a line, what objection is there to such a course as that?—The only objection is, that the public are deprived for a considerably longer period of the advantages of railway communication.

3310. When you spoke of a great company, and its wealth, and so forth, you know that it consists of hundreds, and it may be thousands, of persons who may have very little wealth?—Yes.

3311. And you are aware, doubtless, that the dividends of the Great Western Company are not excessive, any more than on most other railways of the country?—Yes.

3312. Does it enter into your calculation, that if Parliament is to insist upon the making of all lines that were granted during a time of fierce fight between two companies, and of great and feverish speculation, that it might tend very much to diminish the already small dividends of the proprietors in that and other companies?—It might and would, unquestionably; but perhaps I may be allowed to say that this is not a case, I think, in which those arguments quite apply, because the powers for making this line were obtained long before the railway mania, and founded, I imagine, upon certainly a sound basis, inasmuch as when they obtained the authority of Parliament they proved that the traffic would be remunerative. I take it that that was the ground upon which they obtained the Act.

3313. There must be reasons why the Great Western Company have not made it, and those reasons refer to the prosperity of that company; they conceive that their dividends and other conditions are, on the whole, better without making the line than with it?—I presume that to be so; there is no doubt that that is the fact.

3314. Would not the justice of the case be attained if neither company were admitted to make the line?—The justice of the case would be attained so far as the public are concerned; but we are still thrown over for a longer period than we say we ought to be; we have been deprived of it for the last eight years. In 1845 the powers were obtained.

3315. Does that power run on for an indefinite period; why does it expire next year; has there been no renewal in the meantime?—I am not sure that it has been renewed by Act of Parliament; at all events, it has been by the warrant of the Board of Trade.

3316. Was it not in your power, when it was renewed, to come and ask the Committee of the House of Commons to give some guarantee, if it was renewed, that it should be made?—I do not think it was within our power as a portion of the public; I apprehend that we should not have been heard by Parliament, merely as the public, on any application of that kind. But be that as it may, there is no question whatever that the public and the inhabitants of Salisbury relied much upon the power of the Great Western, and upon their good faith they relied that that line would be made.

3317. Mr. *Laffan.*] You said that where an existing company came before Parliament to ask for powers to make new branches or new works, you propose that those powers should not be granted to them unless they satisfied the Committee that they meant to proceed with the works which they already had power to execute; did you mean by that answer that no company was to have new powers till they had satisfied the Committee that they meant to execute all the works for which they already had powers, or did you mean to say that they must then elect whether they meant to proceed with those works or not, to state what works they meant to proceed with, or what works they meant to give up, so as to leave the ground free for new companies to step in?—I would rather put it in that light; that the companies should be required to state that what they propose to do, they have a *bonâ fide* intention of doing, and that which they will absolutely abandon.

3318. And that then they should satisfy the Committee that they really meant to go on with what they proposed to go on with; and upon their giving security of their *bonâ fide* intention to execute the works which they stated they would execute, new powers should be given?—Yes, that would be my idea. I think that by those means the interests of the public would be better cared for than they now are.

3319. You did not mean to tie the company to execute everything for which it had powers, but merely that they should then make their choice and state what they meant to proceed with, and resign frankly what they meant to give up?—Yes, exactly. I do not mean to propose that the company should be bound to make every ridiculous line or branch contemplated during the railway mania.

3320. Mr. *E. Denison.*] Suppose the Great Western Company should be coming to Parliament this year for some new work, do you mean that the Great Western Company when it asks for those powers should state that they intend to give up making a railway from Salisbury to Warminster?—They should either do that I think, or they should be required to complete it within the period originally named by them.

3321. Would either one or the other satisfy your requirements?—Yes, I think so.

3322. Have the community of Salisbury had any communication with the Great Western Company about the making of this line?—They have formally applied to the Great Western Company, and the Great Western Company omitted to give them any answer. There was a very influential public meeting held at Salisbury in December last. An application, emanating from the committee appointed at that meeting, has been made to the Great Western Company, and no notice of any kind has been taken of it.

3323. When did that meeting take place?—In December 1852.

3324. And from that time to this has no reply been received at all?—From that time to this no reply of any kind has been received.

3325. You have been asked whether yourself and others interested in this neighbourhood could make another line from Salisbury to Warminster; but supposing the best line has been already surveyed, and works have been done upon it, perhaps there would be no room for another line equally good between these

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these two points?—No. I think the fair inference is, that the line laid down by Mr. Brunel is probably the best line that the face of the country shows.

3326. Then, as long as this line is in the possession of another company, there is no room for competition by new and independent parties in any way?—There is no room whatever; and, moreover, independent parties would be exposed to the opposition of the possessors of the present line as staked out. I have previously stated that I believe every foot of ground is purchased.

3327. Mr. *Henley*.] Did you not state that this branch from Warminster to Salisbury was part of the original scheme of the Wilts and Somerset?—It was.

3328. That that was an extended scheme, occupying a considerable tract of country?—The original scheme was the Wilts and Somerset. Then it was extended and enlarged very much, and various branches were thrown out, which covered a very considerable tract of country, and it then assumed the name of the Wilts, Somerset, and Weymouth Company.

3329. And upon the faith of this extended scheme Parliament gave these powers to make this large number of miles of railway?—It did.

3330. Then they have committed a breach of faith in this respect, that they have just made so much of it as suits their purpose, as may be lucrative, and left unmade that which does not answer their purpose?—Exactly so.

3331. And that would put any new company probably or possibly in the situation of having to make that which would be much less lucrative, while other parties under the engagement which they have entered into have secured to themselves that which would be more lucrative?—Yes; any new company would have to contend with various conflicting interests and difficulties, such as were alluded to just now by the Honourable Chairman, with regard to running powers and meeting of trains. It is obvious that a company coming on for a small loop of a district cannot have all the fair advantages and chance of obtaining traffic that it would have if it had been a through trunk.

3332. Supposing those difficulties by running powers or otherwise could be overcome, still it is quite possible that those eighteen or twenty miles might be much less lucrative than other portions of the line which they have elected to make?—It is quite possible it might be less lucrative in itself. It is only fair to say, in corroboration of what I stated just now, that I believe a portion of the line, the original trunk from Thingley to Salisbury, would have been the best and most remunerative portion of the whole scheme.

3333. Then they have got one end of that now?—They have one end; so that they obtain the traffic over their lines without making the other end.

3334. Even if another company were to make the intervening space, still this company would have their full share of the part which they have made, they having for the previous number of years committed that breach of faith with the public?—Yes.

3335. Mr. *M. Milnes*.] Did you attempt to enforce the making of this line by mandamus?—Yes; we have obtained a rule *nisi*, which will probably be argued this term, but I need scarcely say that the law on that subject is in some little doubt.

3336. *Chairman*.] You come here in your public capacity, and are not in any way interested in promoting the special profit of either the Great Western, or the South Western, or any other railway company?—I come here as an indifferent party, in fact, as the chief magistrate of the city of Salisbury, to speak on behalf of the public, and not as an interested party as regards the two companies.

John Hawkshaw, Esq., called in; and Examined.

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3337. *Chairman*.] ARE you a Civil Engineer?—Yes, and for several years have been engineer to the Lancashire and Yorkshire and other Railway Companies.

3338. What is your opinion as to past legislation on the subject of railways?—I am inclined to think, with reference to past legislation, that it has not been so bad as it has been represented to be. I think it is frequently argued, as if it would have been possible to have started with all the experience which it has taken us to the present time to attain. I think that is a fundamental mistake in a great many of the opinions which I see expressed in referrence to past legislation. Gentlemen are too apt to say, if only we had started so and so, with such

such and such arrangements, to what a much better conclusion we might have arrived. Now, here is a fallacy. We could not have started with that experience, and, therefore, the argument is illegitimate. But, irrespective of that, I very much doubt whether any better system could be devised, even now, than the one which has been acted upon up to the present time. I think there is one change which ought to be made, and it might have been made earlier, because it is rather a financial mistake than otherwise; at all events, I think if it be permitted to continue now, it will be a very great error. I do not know that it is right to assume that it ought to have been discovered earlier, but it appears to me to have been a fundamental mistake in reference to railway legislation, that railways have been permitted to be projected on what, as it regards finance, I should call a boundless issue of paper currency. The fact is, that men were allowed, and are still allowed, to undertake to find any amount of paper money for the construction of railways, which paper money was, and is, of the most trashy description.

3339. By paper money, you mean scrip?—Yes; I think that is a fundamental mistake, and the remedy of that error is all that is wanted as a protection to railway property, and it is all, in my opinion, that can safely be done with reference to the future.

3340. That is, that no person should be allowed to obtain the sanction of Parliament to a Railway Bill without giving in hard money a sufficient security for the actual completion and opening of the line?—Certainly; with railways, as with other matters, if parties are prepared to find the money, I see no reason why they should not be allowed to construct a railway, supposing they can show that it will be of any public utility, just as readily as they would be allowed to construct a factory; but there should be a Standing Order of the House, that before any railway be granted, there should be a careful examination into the deed under which the parties proposed to find the money, and that you should ascertain the *bonâ fide* character of the subscribers to that deed, and that you should hold them to that deed until a very large proportion of that money is found. I do not think that the resolution that has been come to, merely binding parties to the extent of the 10 per cent. deposit, would be any great improvement; parties were always bound to that extent; men ran the risk of losing their deposits in former times; therefore supposing railway property were to improve, and you were to have another start of railways, the mere forfeiture of the deposits would be no security whatever against the former state of things. I cannot see any injustice to parties in saying, if you propose to make this line, you shall satisfy us that you can find the money for it, and you shall make it, and we will hold you, the promoters of the line, and the original proposers of it, liable till the line is made. I do not know that you should hold them to the whole extent, but certainly to 50 per cent. of the entire capital.

3341. Mr. *Bright.*] If you carry your mind back 20 years, and apply that to any of the companies then started, do you think you would have had one-fourth of the railways made in the country that you now have?—Yes, I do; my opinion is, that you would have had, most likely, all the railways made that are now made. If you had adopted that rule at the outset, I think you would not have had so many wild schemes proposed; you would not have wasted quite so much money in Parliamentary warfare; you might not have had the many miles of railway sanctioned that have been abandoned; you would have induced parties to be more careful before they brought a scheme before Parliament, but I believe that every good scheme that is made would have been made under that principle.

3342. *Chairman.*] Suppose promoters to be so rigidly bound as you have proposed, in order to ensure the *bona fides* of the undertaking, would it not be possible to devise some expedient by which Parliamentary sanction might be obtained at less expense to the promoters?—I very much doubt that. I have considered it in every possible point of view; I have discussed it with members of my own profession, and I must confess that I am utterly at a loss to see or to devise any scheme that might not lead to more mischief, and do more harm, than letting Bills be brought before Parliamentary Committees in the way that they are done. I think that if parties be only bound to make the line, the decisions of Parliamentary Committees generally will be fair decisions, and not to be quarrelled with.

3343. Beyond securing the *bona fides* of new undertakings in the manner you have

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have mentioned, you do not think that any further protection to the existing railways is necessary?—Is neither necessary nor desirable, nor do I think that it could be maintained if it were attempted. For instance, take the scheme of districts. My opinion very decidedly is, that it is utterly impracticable to arrange the districts, and were they arranged they could not be maintained for two years.

3344. The question of cross lines would probably be extremely difficult; lines beginning in one district, and traversing into another, would raise very complicated and difficult questions?—Yes; it would be like a number of small states. One state would show good reasons for an inroad into an adjoining state, Parliament would be satisfied with those reasons, and would break up the districts.

3345. If the kingdom were to be divided into a heptarchy, do you think that it would remain uneasy until the heptarchy was got rid of?—Decidedly. I may add one other reason. I believe railways to be very much in their infancy at present. I would not venture to predicate what they will be 10 years hence. I think that it is not at all unlikely, you may find it necessary to construct railways for the conveyance of passengers solely, not to convey goods at all. I cannot imagine, on the showing of companies themselves, that if the increase of traffic which they expect comes to pass, they would be at all in a condition, on some of the lines, to convey passengers by express trains at the end of 10 years. Therefore, an attempt now to appropriate districts, and to lay down rigid rules and principles, and to say you will govern railways in this and in that way, would, I think, be a very great mistake, and at all events, if it were attempted, would not last two years.

3346. What is your opinion upon the subject of running clauses?—I should say of running clauses also, that it would be dangerous to attempt to lay down any general principle, on grounds which I can illustrate by my own experience; during all my professional experience, I have, with one exception, never supported running clauses. I have always declined, for frequently they have appeared to me to be proposed when the sanctioning of them would be unjust; but last year I had a case where I was obliged to advocate in Committee running clauses, and that against one of my own clients, the Lancashire and Yorkshire Company. I thought it was so fair and just that those running clauses should be granted, that I was obliged to say so to the Committee, and the Committee granted them.

3347. Mr. *Bright.*] What line was that?—That was a line between Leeds and Bradford, where the Lancashire and Yorkshire Company, having obtained powers for its construction, had only constructed a small portion at each end, and had left the remainder of the line untouched. The parties who had formerly advocated that line came to Parliament to construct it. Of course, to have made the middle piece of the line without an entrance into either town, would have been tantamount to throwing their money away. I stated in Committee that there was only one of two things to be done in this case; if the Lancashire and Yorkshire would make a fair arrangement to work the line, then the running clauses ought not to be granted, I thought them so objectionable; but if they declined to make a fair arrangement to work the line, then I said they ought to be granted; and I urged it on this principle, that the granting of the running clauses would compel the Lancashire and Yorkshire to make a proper arrangement.

3348. *Chairman.*] Your general opinion is adverse to running clauses, but you think that there may be cases in which the use of such a weapon as the granting of running clauses to a hostile company may bring the company against whom they are threatened to be granted into reasonable terms?—Yes, just so. My general opinion is against running clauses; but there are cases where, if they were not granted, or something in lieu of them, you would prevent the extension of railways to towns and places which ought to have railway accommodation.

3349. Now take a case like this, where there are two railways so large that each of them would naturally have a plant of its own; it might be easy to furnish a remedy by facility clauses, or something of that sort; but if a line were so short, that it would under no circumstances pay the owners of that line to maintain a separate plant for the working of that branch, then if the trunk line were hostile and would not facilitate their proceedings, the only remedy would be to give running clauses to enable them to take a longer mileage?—Yes;

Yes; in reference to running clauses there are two classes of cases which I should like to explain. There are cases where a railway has been obtained, we will say from Shrewsbury to Chester, upon a case brought before Parliament that the construction of a railway between Shrewsbury and Chester would be of great public utility, and would be a very beneficial thing to the proprietors, and therefore they ask for the line, and are authorised to construct it. That company after a time has an idea that it would be to its advantage somehow or other to get to Birkenhead. It goes to Parliament, and says it will be a very great public advantage to be enabled to run over the railway to Birkenhead; of that kind of case I would say that I believe, generally, it is put forward on false pretences; I do not believe, generally speaking, it is of any public advantage. I believe that the power, when obtained, is frequently obtained for the purpose of being sold, and therefore, generally, I should not grant running powers of that nature. But then, on the other hand, I think also that the public should have some amount of protection. There may be cases in which a railway, say, for the sake of illustration only, like that between Chester and Birkenhead, might act contrary to what I consider true commercial principles, and might begin to throw obstructions in the way of the traffic from Shrewsbury. In that case there should be some means of relieving the other company from that difficulty; and although I am very loth to extend the powers of the Railway Department of the Board of Trade, on their own account as well as on account of the railways, yet I think it would be advisable to give the Railway Department of the Board of Trade power to decide, or rather to recommend (possibly it should only be a recommendation in the form of a report), in all cases of that sort affecting public convenience, which at present they have only, I believe, with reference to public safety. I think their jurisdiction at present is confined to cases of public safety; I think that should be extended to cases of public convenience; it would then be open to the company suffering from the obstruction to request the Board of Trade to inquire into it, and to report on the mode of carrying on the business properly. After that, if the company declined to adopt those recommendations, the other would come to Parliament, and would get all they wanted.

3350. With regard to giving control, you have said that your opinion is not favourable to its being extended?—Certainly not. I believe it would very much cramp the future progress and improvement of railways, just as much as if you were to apply Government control to the cotton manufacture or the woollen manufacture, or any of the staple manufactures of the country.

3351. Have you turned your attention to the question whether, by any changes in the law, we could prevent the recurrence of accidents on railways?—I have; and I am of opinion that you cannot improve the condition of things in that respect by the application of the criminal law further than it is now applicable.

3352. Do you know that there is a difference between the law in England and Scotland upon that subject?—Yes, I have understood that; and in expressing this opinion, I do it with diffidence. Questions of law are different from questions on engineering.

3353. Are you of opinion, or not, that you could improve the management of railways, and increase the safety of the travelling public, by a more stringent application of the criminal law?—I should say no. I think that a stringent application of the criminal law, if you were dealing with a class of men like private soldiers, who must be made to act like machines, might effect a more perfect state of management; but where you are dealing with intelligent men, as you are in the management of railways, I believe that a more stringent application of the criminal law will be productive of nothing but excessive mischief. The class of men that you ought to have in the management of railways I am quite sure are not to be obtained in that way. The management of railways depends upon the ability, the clear-headedness, and the intelligence of the men who manage them, and such men would not be attracted to railways by a more stringent application of the criminal law. I would illustrate it in another way: there are a number of accidents which occur on railways from locomotive enginemen neglecting their duty, for which they pay by the loss of their lives. Now, if the penalty of the loss of life does not in those cases prevent that neglect of duty, how are you to do it by the application of the criminal law? You carry it as far as you can; you tell a man that he must not run more than 35 miles an hour, and

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and in the face of that he runs 55 miles an hour, and loses his life. Of course it is quite evident that no application of the criminal law could affect that man.

3354. Mr. *M. Milnes*.] Did not that accident of the engine bursting at Brighton the other day result from an engineer preferring to risk his life to submitting to a momentary inconvenience?—Very likely; and I have known upon railways, in my experience, many accidents arise where a man, from insensibility to danger, or something of that sort, risks the loss of his own life. Of course you cannot meet a case of that kind by the criminal law; you might meet it by improved regulations, which are now going on, but not by criminal prosecutions.

3355. Mr. *E. Denison*.] There would be this difference, would there not; when an engine-driver is ordered to run 35 miles an hour, and runs 50, you do not suppose that he expects when he does that to sacrifice his life; he may run the risk of that, but he does not expect it?—Certainly not.

3356. Then the difference is, is it not, that if there was to be some punishment attached to that, the punishment might be certain, but that the risk which a man runs of killing himself is very uncertain, and he does not expect that it will occur?—I do not think that you could make the punishment more certain than the risk.

3357. If a man every time that he ran more than 35 miles an hour was punished, he might be punished 10 times, but he could only be killed once?—If he were punished; but the illustration must necessarily fail, because no human ingenuity could devise a system by which a man could be punished every time.

3358. You have said that a man is ordered not to run more than 35 miles an hour, and he runs 55 miles an hour; has that man the means of knowing whether he is exceeding his orders or not?—There is no doubt about it; he knows very well the difference between 55 miles an hour and 35.

3359. Mr. *Laffan*.] Have you ever tried the experiment with a number of engine-men; have you ever taken a dozen engine-men in succession, and timed them, and then asked them their opinion of the speed that they were going, and compared it with your own ascertained experience, in order to test their judgment?—No; but still my experience has been that they know very well the difference of running between 55 miles an hour and 35; but they would not know that it was precisely 35, and there your law would fail. You say you will punish a man if he just exceeds 35 miles an hour. I say you cannot; no engine-man could know exactly, or keep precisely at the speed of 35 miles an hour, even if he is doing his utmost. The best engine-man ever put on an engine, if he wants to run precisely 35 miles an hour, must necessarily occasionally exceed it a little, and there is an end of your law.

3360. Mr. *Laffan*.] He would necessarily do so; if you want to run 35 miles an hour between two stations, where the gradients vary up and down at the rate of 1 in 150, you must almost necessarily be running on that distance considerably faster than you would the other?—Yes; that would be so where any of the intermediate gradients were such as to retard the speed greatly.

3361. One in 150 necessarily would?—It would depend on the load.

3362. Mr. *Bright*.] Would it, therefore, be impossible to punish a man for over-driving a locomotive in the same sense in which you might punish a man for over-driving a cart?—You do that now, I apprehend, with the present state of the law, under certain circumstances; and, therefore, all I mean to say is, that I do not think you can improve the management of railways by going further in that direction. I think that the effect of applying the criminal law with more stringency to railway management would be mischievous. I think you would get quite a different class of men; you would get more men of desperate fortunes, and fewer men who cared about station and character. Therefore, I think you would lower the class of men. And irrespective of that, I do not think that is the direction in which to go to improve the management of railways; bring as much intelligence as you can to the management of railways; invite it; do not deter it by a new practice.

3363. Mr. *Laffan*.] But do you not draw rather a large conclusion from small premises; you state that you cannot enforce a rule laid down by companies limiting the speed of their trains accurately, and therefore it is better not to have to apply to the criminal law at all; that is drawing a very large conclusion from very small premises?—It would be, if I had done so.

3364. That was the only illustration you gave?—My observation was merely in reference to the question of punishing a man if he just exceeded 35 miles an hour.

3365. You suggested that rule yourself, as an illustration; but because that rule has been fallaciously drawn up, it is no reason why, if proper rules are drawn up, you cannot enforce them; if you draw up a rule which you cannot enforce, it would be unwise to punish a man for the infraction of that rule; but if you draw up your rules on a wiser principle which you can enforce, there is no objection to punish for the infraction of those rules?—It is very desirable that you should draw up the best rules you can. What I mean to say is, that I do not think you would improve the management of railways by a more stringent application of the criminal law.

3366. Mr. *E. Denison.*] Supposing an engine-driver were informed that part of the way was in an insecure state, and that he must go over it at a slow pace, and he chose to disobey orders, and to go over it at a quick pace, or at a pace which was understood to be dangerous, there could be no mistake about such a matter as that; would there be any harm in making such a man as that liable?—As an abstract question, there is no harm whatever when a man does wrong in making him pay a penalty for doing wrong.

3367. This is not an abstract question?—I am putting it so, because it can be answered in two ways, admitting it to be right in the abstract, it would lead to a state of things which I think would do harm; for instance, take the case in the way you put it, how is that man to be convicted? You must deal with it practically. You say a man is to go over the road at a certain given speed; how is he to be convicted; you will have, I suppose, to invite informers, or to make one servant of the company inform against another servant of the company, and you will at last bring all the servants of the company into collision with each other, and then with the directors of the company; I am looking to the practical working of the measure.

3368. But you are now totally departing from the ground which you were understood to take; you are now saying that it would be very difficult to put this into operation, and therefore mischievous; was not your objection that it would act unfavourably on the character of the engine-drivers?—So I think.

3369. That is one consideration; but do you not think that if a man is ordered to go at a perfectly slow pace over a part of the line, and he neglects to do it, that there ought now to be some means of ascertaining whether a man does that, and making him responsible, at all events to his employers?—I think it is desirable there should be, certainly.

3370. Then, all the difficulties which you have referred to upon a criminal inquiry, would arise just the same in ascertaining the fact for the purpose of bringing it under the notice of his employers, would they not?—Not quite.

3371. Why not?—I think the proof to be brought in the case of a criminal prosecution of the company's officers would be a very different thing.

3372. Is it not the duty, in some respect, of the guard now to have some supervision over such matters as that of keeping time?—Yes, in some cases.

3373. Supposing that part of the way was really dangerous, and that there are several men stationed there, partly to look after the works, and partly to see that they are going on right, would there be any harm in signal-men, who are put to assist the traffic management, giving their evidence on matters of fact?—If you mean evidence in criminal prosecutions, I think there would be great harm. I think it is better to leave the penalties which are to be imposed upon men in such cases as those you have referred to to the parties who are managing the railway, than to make them part of the criminal law; I think they can apportion them better to the magnitude of the offence, and the circumstances under which it arises, and I think it is better than adding to the stringency of the criminal law.

3374. But as far as one servant of a company giving evidence against another servant of the company, whether he gives that evidence to the directors, if the man is brought before the directors, or if he is brought before a criminal court, is quite the same thing, is it not?—No, not quite the same.

3375. In what way does it differ?—That is rather a question for a lawyer. I believe it would require a different class of evidence to convict a man criminally from the class of evidence upon which a Board would impose a penalty.

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3376. Mr. *Bright.*] Have you attended inquests and inquiries of various kinds with regard to accidents?—Yes, I have.

3377. Did you ever happen to know that the evidence was very conclusive and very harmonious as to the precise point where the danger arose, or the precise speed at which the train was running; what is the general character of the evidence?—The general character of the evidence is anything but conclusive.

3378. Is it not generally very conflicting?—Yes, it is.

3379. Now with regard to this question of bringing the criminal law to bear upon railway managing men, what is your idea with regard to accidents; do they arise in any proportion from malice or intentional wish to injure the public, or any portion of them, as passengers, on behalf of anybody connected with railways; did you ever hear of any case of that kind?—No, certainly not; it is obvious that all parties connected with railways *primâ facie* must have a desire to carry the public as safely as they can.

3380. Now you have been connected with the Lancashire and Yorkshire line, and have met directors of other companies; have you observed that the occurrence of accidents has caused considerable trouble and uneasiness, and great discussion, and endeavours to prevent them in future on the part of the companies?—I have, and it has caused very great expense. In my opinion, the very serious expense which it has caused will work the remedy. I do not at all agree with those who have stated that the penalties imposed on companies have no effect on directors. It seems to have been assumed that the directors of companies have no interest in the lines. That is a mistake; the directors of companies are nearly always deeply interested in the lines in a pecuniary sense, therefore the penalties, which become heavier and heavier on every occasion they are imposed on the companies, will work the remedy, in my opinion, and I think they are sufficient to work the remedy.

3381. Mr. *M. Milnes.*] Are not the reparations which are required generally, either to the rolling stock or to the permanent way, in cases of accident, themselves a great penalty imposed upon the company?—Very great indeed, occasionally very heavy, but not heavier I think than they ought to be; therefore when I am objecting to the further imposition of the criminal law, I am taking the law as it stands. I believe the law as it stands is sufficient to work a wholesome cure of what I admit is not so good as it ought to be, but I believe to legislate further may do mischief, and cannot do good in that direction.

3382. Since you have been engaged in railways, has there been a considerable improvement in their care and management?—No doubt about it; in fact, as I have said before, railways are really in their infancy; not only so, but all the gentlemen who have had most to do with them, instead of being able to attend to their management, have been kept in such constant warfare with Parliament, that railways have been left very much to their own management. But there is no doubt now that the attention of most intelligent men is being devoted to the management of railways. I have no hesitation in saying, that the intelligence of men devoted to railways is far more important than anything you can do in the way of legislation, and will work more important results; but if you impose criminal law, you would drive every respectable man away, and will do much mischief.

3383. Do you think it would be impossible to impose, not very heavy, but still some penalty on the part of a railway Board, or central authority of some kind or another, on the report of a great act of neglect of supervision on the part of the officers of a company, in such cases as we have had before us, where officers of a company were found without any watch to know how the time tables could be observed, or matters of that kind?—With reference to that, even now, I take it, directors are not quite in a position to escape. Without any extension of the criminal law at all, take the case where the engineer of a company has recommended the Board to relay its line, or repair its road, and the directors, without taking any other professional opinion to the contrary, decline to do it, and suppose loss of life to occur, I think it would place directors in a very serious position, such as no gentleman of the station who usually occupy the post of directors would choose to be placed in, if they were to understand, which I think they are just beginning to understand, that in that case they would be considered highly culpable.

3384. Mr. *Bright.*] Suppose the engineer who had the care of the line neglected

neglected to recommend the company, perhaps owing to the difficulty of the circumstances of the railway, from relaying a particular part of the line, do you suppose that he would be in reality less guilty in that case than the directors would be in the other, and yet how would you touch him?—There you come to matters of judgment; I do not see how you are to make matters of judgment subjects of criminal law.

3385. Mr. *M. Milnes.*] Is not this rather the question: already the law may be completely satisfactory, as far as vindicating the rights of the public to the means of security, supposing an accident to occur; but if the object is to prevent these accidents rather than vindicate the public when these accidents have occurred, do you think there are any means, by improving the criminal law in any way, to secure the public against those accidents occurring by imposing penalties for want of previous supervision?—My opinion is that there are no such means, and that is not the direction in which to go for the purpose of improving the management of railways. I think it will have a contrary tendency.

3386. Mr. *Bright.*] The infliction of penalties under the criminal law, whether of money, imprisonment, transportation, or capital punishment, in your opinion, would tend to degrade the railway officials, without adding to the security of the public?—Just so; that is my opinion.

3387. Mr. *Henley.*] You would not wish that the railway officials, as a body, should be taken out of that law which affects all other persons?—Certainly not.

3388. So far as criminal negligence would affect any other person, you would be willing that that law should be applied to railway officials?—Yes.

3389. In consequence of the particular state of the railway officials, there may be a difficulty in applying the criminal law to them, which is not the case with regard to individuals in other positions?—I do not know whether that is so or not; I cannot say.

3390. Supposing it to be the case, that there is a difficulty frequently in applying the criminal law to breaches committed by railway officials, which does not occur to breaches of it committed by private individuals, should you see any objection to a machinery being created which would apply the existing law to those parties for offences that they may have committed against it?—Of course, without knowing what the machinery was to be, I could scarcely give an opinion upon it; but my own opinion is, that legislation on that subject would not be productive of good. In expressing this opinion strongly, I may be allowed to state, that I do not think the bearing of the law, as it now stands, has yet come to be fully appreciated by railway directors. Directors thought they might neglect reports and suggestions of their engineers without involving any particular culpability. They are beginning to see that that is not safe; that in doing that they would be subjected to great blame at least; and I believe it it will not be done to that extent to which it has been done; and, therefore, I think it would be better and wiser to wait a little, and see what would be the result of the law as it now stands, now that men are just beginning to have time to devote themselves to this question, before legislating further; perhaps that would be the safest way.

3391. For instance, take a case where it may be difficult to say whether the blame rests with the directors, the engineer, or the engine driver, do you see any objection to a public prosecutor to inquire into the circumstances, and bring the law to bear on the party whom he thought it ought to bear on?—I think it would not have a beneficial effect.

3392. Why not?—I do not know that I can add to the reasons I have already given, I should say it is premature; I think it is better to wait a little, now that parties are devoting themselves to the management of railways, before you begin to legislate on the supposition that you can amend the present state of things. I will mention one circumstance, which I do not think the public are aware of. There is already a law for any party who may consider the road in his particular neighbourhood, or over which he travels, to be in a rough and unsafe state, under which he can apply to the railway department of the Board of Trade, and call for an inspection of that road. I believe that to be an important thing, but I do not believe that people are aware of it; I think it ought to be tried before you begin to legislate further. Suppose a gentleman travels over a particular railway; let it be understood, if he considers that road is in an unsafe state, that he may apply to the railway department of the Board of Trade, and call

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call on them to inspect that road, and report on it; I believe that report would have very great weight with any railway board.

3393. That would not apply to the case which we have been discussing, of criminal laches on some party connected with the railway; you have stated your reasons generally why you think the criminal law should not be applied more stringently than it is to parties: in the first place, that they are people of intelligence; and in the second, in the case of engineers, that men run such risk of their own lives, that no application of the criminal law would be more stringent in their case than the risk they now run; were not those your general reasons?—Yes.

3394. Now there is another class of officials employed upon railways, such, for instance, as the persons who have the care of the points and switches and signals; criminal laches on their part does not involve any danger to their own lives, does it?—Yes; if they neglect their duty, and an accident were to ensue, with loss of life, they are liable at present to transportation.

3395. Is there involved in the consequences of that neglect of duty any risk or danger to their own lives apart from the law?—No; it involves at the utmost transportation.

3396. That is by the law; the question referred to without the law?—No, certainly not.

3397. Then those are not exactly the class of persons whom you would call intelligent, and who would be acted on by motives other than those of apprehension of some kind?—Yes, I should; I think if the general law were made very stringent, you would get an inferior class of men in those situations to what you get now.

3398. Have you known men in those situations to have been in the army?—Occasionally.

3399. You said that the private soldier was a man who might be reached by such things?—I put that hypothetically; I said that possibly that mode of government might be good for men who were to be made mere machines of; but you do not make, you cannot make, and you will do wrong if you attempt to make mere machines of the men who are in charge of railways. I believe, and I think I could show, that a very rigid system of management of most railways would be likely to lead to more mischief and accidents than leaving it in some degree to the intelligence of the parties employed. I will take a case which I heard put in reference to the punctuality of trains. The law that would be very likely to be laid down, such as I have heard propounded, that no engine should start with a load that it is not fully equal to, would have the effect of multiplying the number of trains on railways indefinitely. That would lead to accidents; because, supposing you make a law, and you have a public prosecutor, that there should be a certain degree of punctuality, of course you must be kept to it; and then you must never send your engine with a load that it cannot take. There are certain states of the weather when an engine cannot take one-third of the usual load, therefore your loads must always be minimum loads, and you must multiply your trains three-fold; that would greatly increase the chances of accident on such lines as the Lancashire and Yorkshire.

3400. You are not asked about punctuality of trains; but, confining ourselves to the pointsmen and signalmen, is it your opinion that those men ought not to act on precise orders, but upon their own intelligence?—On their own intelligence, in a measure; I do not dispense with rules, but you must not make your rules so rigid as to dispense with the men's intelligence.

3401. Your opinion would be that, in the case of a pointsman or signalman, he ought to be left with such a margin of intelligence as might render it quite impossible to say whether he was obeying or disobeying his orders in such cases?—Yes; might render it difficult to prove it in a court of law.

3402. Do you think it would be safer to the public to leave him with that margin, than to give him precise orders as to what his duty consists of?—Yes; you ought never to have a law or rule which is not to be acted on. If you have it, keep it; if you do not intend to keep it rigidly and strictly, do not have it. I believe that you will find the attempt to make those laws very rigid will have a mischievous tendency.

3403. The question did not apply to laws, but to orders and regulations given by the railway authorities themselves; is it your opinion that those orders given to pointsmen and signalmen ought to be so elastic, that it would be impossible to

to fix them with any breach of discipline or of orders in case of their turning a signal or a switch the wrong way, in case of loss of life ensuing?—I would not go to that extent.

3404. To what extent would you go?—It is very difficult to define it. At all events your rules and regulations should always be so made as to admit the exercise of something like intelligence on the part of the man. If you try to make him a mere machine only, that he is never to think but always to act upon written rules, you will do harm, and fail in the object you seek.

3405. A question has been put to you with reference to an engine-driver neglecting to go slowly over a piece of bad road, which he had been directed by the superior authority under which he acted to go slowly over; now let us take the converse of that proposition: the superior authority is cognizant of the dangerous state of the road; it is clearly proved and brought home to him, that he neglects to give the engine-drivers the necessary orders to be cautious, and to take care in going over that portion of the road; do you think a man in that position ought to be affected criminally by the law or not?—I think, in the way you put it, if anything happens that he ought, of course; but that assumes a clearness of proof.

3406. I am assuming that the facts which I have stated to you are not only susceptible of proof, but are clearly and satisfactorily proved?—Now I will just put one case, because it is really the practical working out. I will assume that the party is accused in the way you state, and that he is tried. It is pretty well known that he would have to bring in his defence persons altogether connected with railways. We know very well, those who have had to do with these inquiries, that the public assumes at the outset that it is the party injured, or liable to be injured; that it travels on railways, and that railways somehow or other are not managed with the perfect safety they ought to be, and therefore they have a right to assume there is culpable negligence somewhere. A jury with those feelings would doubt the evidence of all parties connected with railways, from whatever point they were brought; and would lean very much to the evidence of gentlemen on the opposite side brought from public departments. Every man connected with railways knows this, and no man with any regard for himself would put himself in such a position. It would not affect me, but it would others. Therefore you degrade a class of men. You get a very rigid system, and I think a much worse system than you would have if you let it alone. If you advise the companies, let the companies neglect that advice at their peril; it is quite evident that they would not neglect sound advice. I do not, as a rule on which to legislate, believe in men wilfully neglecting sound advice.

3407. Why is a party, because he happens to be upon a railroad, to be exempted from criminal laches more than any other man?—I have not proposed that. I think I stated that I did not think he should be. I rather understood the proposal to be to extend the criminal law beyond the point at which it now is.

3408. *Chairman.*] The argument you have been using, if you push it to its legitimate conclusion, would appear to come to this: that juries are so prejudiced against the managers of railways, that the ordinary law of the country would not be applicable to them, because it cannot be fairly applied?—I do not know that I put it in that way, but if it leads to that I cannot help it. I do think, from what I have seen of these cases, that the public generally start with the notion that they are aggrieved, and therefore that they ought to convict somebody.

3409. Considering that there were about a score of serious and fatal accidents in the first three months of this year, and that some of them happened on successive days upon the same railway, do not you think it was very natural that there should be a strong public feeling excited on the subject?—I do; but I think the very fact of there being a strong public feeling excited on the subject should lead you to be cautious about legislating immediately, because I think legislating under excitement is not a wise thing, to say the least of it.

3410. Then the circumstance that accidents have been unusually frequent, is a reason why Parliament should be the less disposed to consider precautions against them?—No; you rather put it that there was strong public excitement. I say it is not wise, I think, to legislate under excitement. I do not say that the frequency of accidents is not a reason for legislating.

3411. Mr. *Henley.*] You have stated that the Board of Trade has powers to order

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order an inspection of a railway alleged to be in a state of inefficient repair, and that you think the public are not aware of that?—I think they are not; I think there are cases of that kind. I have heard gentlemen complain of a particular piece of road as being very rough, and so on, and that they did not like to travel over it; if they were fully aware that they could ask the Board of Trade to inspect that railway, they would be inclined to do it.

3412. Assuming that a party availed himself of the power he has, and the road was inspected, or such part of it as was alleged to be dangerous by an officer of the Board of Trade, and he was to report that the road was in a dangerous state, and that report was communicated to the directors, and they took no steps to remedy it, what would be your opinion of their conduct?—I think, if the directors took no steps to remedy it, and took no steps to satisfy themselves as to whether the report was true or not, I think they would be highly culpable. But I do not believe there is any railway board in this kingdom that would now do any such thing. You would have very heavy and serious damages in the case of an accident in such an instance.

3413. Do you think, in the event of an accident happening, that it would be right and proper for the Board of Trade, as a public department, to bring that state of facts to the knowledge of the court and jury?—That is carrying it a step further.

3414. You said just now that, under such a state of things, a party injured would recover heavy damages?—Yes.

3415. If this was not to be brought to the notice officially of the court and jury, how could it be an element in the party obtaining damages?—You mean damages in case of an accident; in case of an accident the report would be called for.

3416. And not only called for, but ought it not also to be the duty of the Board, in whose custody the knowledge of it was, to bring that officially before the court?—Then you would place responsibility on somebody else than the company.

3417. It would only be bringing the knowledge of the fact before the court, which the party injured would have no knowledge of beforehand?—Then would you give somebody power to order the repairs?

3418. The case was put in this way: A. complains that the road is rough as he travels along it; he sends information to the Board of Trade, and they order the road to be surveyed; their officer reports that the road is inefficient and in a bad state of repair; he makes a communication of that fact. That report is communicated to the board of directors; they take no steps to remedy it; an accident happens, and upon the accident happening, the parties damaged sue the directors for the amount of injury that they have sustained; are you of opinion that it would not be right that the knowledge of that report, and the company taking no steps on it, should be brought before the court and jury as a means of judging of the laches of the company?—Certainly, and I think it is.

3419. How would the party get to know it, if the law did not authorise the Board of Trade to bring it before them?—Because these inspections are well known and made public. I myself have had experience in cases of that sort, and in those cases the Government inspector has been called for. The parties are always sharp enough to take care of that. The parties who sue would immediately call for the reports of the Board of Trade or the inspectors, and they would go before the jury.

3420. You say that those reports are brought or produced in court, in civil actions, to your own knowledge?—I have seen the officers of the Board of Trade brought into court.

3421. Would there be any objection to their being produced in criminal proceedings?—Certainly not; in any criminal proceedings, they might be produced. They could be called for.

3422. In point of fact, they are not now produced; suppose an inspector called upon to give his evidence or opinion upon the state of an accident which happened last week, he would not be permitted to give any statement of anything that he knew upon the condition of the line, or what may have passed a month or two previously?—I have never seen a case of that sort; I have attended where inspectors have been present, and they have stated all they thought fit to state. If you are referring to juries, it is so.

3423. Mr. *Laffan*.] Do you think there would be any objection in the case of

of an accident occurring, and an inquiry tending to a criminal verdict taking place before a coroner's jury, that there should be some public officer appointed to attend that inquest, to give the benefit of his professional experience and skill to the coroner and to the jury, so as to guide them in the inquiry, and act the part of a public prosecutor to bring all the facts of the case before their notice. At present there is no such officer; the inspectors of the Board of Trade do not at present think it any part of their duty?—I do not see any objection to the inspecting officers of the Board of Trade, when they attend a jury, trying to elicit the facts of the case. I have no objection to that, and my experience of that kind of inquiry latterly has been that they do that. But they may consider that they are not authorised to do it; they ought to do it, certainly.

3424. In order to do it, it is necessary that the officer doing it should be something more than an engineer, because an engineer can give the benefit of his professional experience to the jury and to the coroner; but in order to conduct a criminal inquiry properly, it is necessary to join legal experience to engineering knowledge. For instance, suppose an accident occurs on a railway; the engineer may clearly trace that accident to the neglect of some party on the railway, and he may point that out to the jury or to the coroner, and, through him, to the jury, that the accident has occurred through the neglect of some particular department or party; but that, as far as I understand the law, would not be sufficient to warrant the jury in finding a criminal verdict against that party. In order to obtain a criminal verdict against an individual for neglect of duty, it is necessary to prove, first of all, that that particular individual was specially charged with that duty; then that he neglected that duty; and, thirdly, if I am not mistaken, that that neglect was such as an ordinary man in a similar position would not have been guilty of; that it was from the neglect of some precaution which an ordinary man would necessarily have taken. Those three points must be established in order to obtain a criminal verdict against a person for neglect. Now, in shaping the evidence, and conducting an inquiry, tending to a result such as has been described, there is required legal as well as engineering knowledge; and, therefore, would it be desirable, under those circumstances, that a public prosecutor should be appointed?—I do not see that it would do any good; because, after all, the wisdom of the decision would depend upon the tribunal. I do not know that it would make a coroner's jury very much wiser, to saddle them with a public prosecutor. They always go on in their own way.

3425. Do you not think that coroners' juries are very willing to obtain the knowledge of experienced men when they can obtain it; generally speaking, the decisions at which they arrive, whenever they are erroneous, are from want of knowledge, and not from any wrong-headedness inherent to their position?—It is not a very good tribunal. They are often locally interested in the neighbourhood. There is no predicting what their decisions will be, or in what direction.

3426. That has been the experience hitherto; the coroners, generally speaking, know very little indeed of the practical working of railways, and the juries know still less; and, left entirely to their own guidance, with nobody to direct them, they have arrived at conclusions which very much, and in the majority of cases are erroneous, it being very often the interest of the railway officials to lead them in a wrong direction; under those circumstances, might it not be advisable to give to coroner's juries the advantage and assistance of a public prosecutor, who should combine a little engineering knowledge with legal skill?—It would be tantamount to appointing a wiser and more able man as coroner. They ought to be the wise and able men in that department. If railway inspectors consider that they are not at liberty to do all they can to get out all the facts at these investigations, I think they ought to be so. I have never seen any backwardness on their part, as far as I have had to do with them.

3427. *Chairman.*] Do you think they are reasonably severe in their inquiries?—I do not complain of them; they are bound to elicit the facts; if they have not full power, I would give it to them. I am not objecting to their line of proceeding in these matters; beyond that I do not see what you can do; after all, the decision of an inquest does not bind anybody.

3428. Mr. *Henley.*] The question is not whether they are industrious in eliciting facts on the inquiry in which they are at the moment engaged, but whether it is their duty to bring before the tribunal other facts which happened

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a short time before the inquiry to their knowledge?—They are at liberty to do that now; if not, they ought to be.

3429. Mr. *Laffan.*] Do you not think that joining together the duties of public prosecutor and inspector of railways would lead to a good deal of jealousy on the part of railway servants, as to the information they gave to the inspecting officers, and that the two duties are incompatible; that when an officer is sent down to inquire into the circumstances connected with the accident he goes down there, and the company places all the means of inquiry at his disposal; their servants come and give evidence before him, and, with a strong feeling on their part that that evidence will not be used against them, they tell him perhaps more than they would be inclined to tell a coroner or anybody else; and he has generally the means of arriving at a correct result as to the circumstances connected with the accident, by obtaining knowledge from the company's servants which it would be unfair to use against them; therefore, you cripple his means as an inspecting officer, if you require him to act as a public prosecutor?—There is no doubt about that; but I would say it is the inspecting officer's business, when he goes down, to endeavour to get all the facts fairly before a jury, and as far as I have had to do with them, he did so. If he has not the power, I would give him the power; but I do not think you gain much by appointing a public prosecutor to go before juries; I do not think it would be worth the trouble; it is not the final inquiry.

3430. Mr. *Bright.*] Do you ask, on the part of railway officials, any more exemption from the legal consequences of their acts than you would ask for steam-boat or coach proprietors, or any other persons who may be placed in circumstances somewhat analogous?—Certainly not.

3431. You do not protest against the operation of penalties or sureties of the existing law, as it has been worked in England, since railways have been established?—Not at all.

3432. What you are unwilling to recommend is, that the criminal law should be made more stringent with regard to these companies, and that the fear of the criminal law should be trusted to as the main motive for producing a performance of duties on the part of railway officials?—Just so.

3433. Mr. *M. Milnes.*] Do you object to a more compulsory power being given to some central authority with regard to the supervision of railways generally?—If I say I object to it, it is merely because I do not believe it would be productive of any beneficial effect. I think, at present, the Railway Department of the Board of Trade has the power of making suggestions on any subject whatever. I could mention, in my own experience, cases where they have made suggestions involving a very large expenditure of money, and they have been immediately attended to. You cannot go beyond that, unless you give them the power of ordering. If you give them the power of ordering, you place all the responsibility on their shoulders, and take it off the company.

3434. Let us take the case of the permanent way being notoriously deficient; would you object in that case to the Board of Trade having the power of closing the line, supposing they were convinced that the public could not proceed on it with security?—I should object to that; I think it would be very undesirable on every ground to do so, because then the entire responsibility would rest with the Board of Trade if they did not close the line; then the mischief would be attributable to them.

3435. Would not such a threat as that in fact enforce a remedy for the evil?—A threat, unless it could be carried out, would amount to nothing; and if it could be carried out, would remove the responsibility from the railway proprietors.

3436. It would not remove any responsibility, except so far as the inconvenience the public would suffer from closing the line?—What I mean is this: supposing that were the law, then it would be the duty of the Board of Trade, whenever they thought a railway was not safe, to close it; and if they neglected to do so, they would be responsible, and not the company.

3437. Do you think it impossible to increase the powers of a central authority, without, at the same time, substituting their responsibility for that of the company?—I no not think it impossible, but I think it would be unwise. I think an active exercise of the powers which they now possess, if they were fully understood, would bring about the desired result. Let them have suitable officers,

officers, and plenty of them, and act on those powers; for instance, they have the power of inspecting railways where they are asked to do so.

3438. Mr. *Bright.*] What is your connexion now with the Lancashire and Yorkshire Company?—I am their consulting engineer.

3439. Then unless some matter is brought before you, it is no part of your business to inspect what is going on on the line?—Not at all; I have no business there until I am sent for.

3440. Recurring to that accident at Clifton the other day, did you go down, or take any part in the investigation?—I was sent for, and went over part of the line.

3441. Did you give evidence at the inquest?—I did; I said a few words on the subject.

3442. Was the evidence at that inquest very conclusive, or was it very conflicting?—Very conflicting, as it generally is at all inquests.

3443. Was there not an entire difference of opinion between the guard and the passengers with respect to the speed at which the train was going?—An entire difference of opinion.

3444. Is it within your knowledge that the guard had been specially told by the directors that whatever was the fact with regard to speed, it could not affect his character, or his liberty, or interests in any way, and they were extremely anxious to ascertain the truth, and urged him to give it as freely as if he had been a passenger; did you hear that?—No, I did not hear that; but I may state as far as I saw, with reference to the board, that they were only anxious to get at the facts without caring about the result. I may state that I thought the man was running at a velocity beyond that of the authorised speed.

3445. With regard to the state of the line at that particular part, was there a difference of opinion on that?—Yes, there was.

3446. Did your opinion agree with that expressed by Mr. Nasmyth?—As I did express my opinion, I may state it again, otherwise, as proceedings may arise, I should wish to be guarded. What I stated then was, that I considered the road was in a state sufficient to render it safe to run at the velocity stated in the company's time tables, and unsafe to run at the speed at which I have no doubt the man had been running. I believe he had been running at 55 miles an hour, and I do not think the road was in a state to run over at 55 miles an hour.

3447. Mr. *M. Milnes.*] Do you at all see any cause to which we can attribute the frequency of the accidents which took place in the early part of this year?—I think some of them have arisen from the extraordinary wet season we have had; I think many of the roads got into a state of want of repair from the incessant rain and the impossibility of men working during that rain, which unfitted them for the high rates of speed which were continued over them, and therefore I am rather in favour of anything that could bring about a more frequent inspection of railways.

3448. *Chairman.*] Have not the railways kept the inspectors so actively engaged, that it was with difficulty they could undertake that part of their duty?—It could not be done without some addition to the Railway Department. I think if they had been requested to inspect many of these lines at the beginning of the winter they would have suggested a diminution of speed.

3449. Mr. *Laffan.*] Have not cases occurred where officers of the Railway Department of the Board of Trade have been sent down and have reported that it was dangerous for high speed?—Yes.

3450. And have not they recommended that until the lines were in better order, the speed of the trains should be diminished, and the companies have declined to accede to that proposal, and have persisted in maintaining high speed; is it desirable to extend in that direction the powers of the Board of Trade, and to call on the companies, under certain penalties, to limit their speed to what is safe?—I would not recommend that, because then the Board of Trade would become responsible. I do not believe that the companies would neglect that advice; I believe the Lancashire and Yorkshire have reduced their speed since the last accident; I know if you gave them the power to order it, you would make them responsible; I do not believe that the companies would neglect those reports.

3451. They do not wilfully neglect them; companies have said, "We are perfectly willing to put our line into the best order possible; we are doing so as fast as we can; but if we stop our traffic now, it would result in a very injurious

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injurious manner; by diminishing our speed, having rivals competing with us for the traffic, we should cripple our resources, and diminish our capability for relaying our line; we are doing so as fast as we can; we have no money to do it faster, therefore we must incur the risk some time longer"?—You must leave the decision whether they will incur the risk with the companies.

3452. The risk is not a risk of money; it is a risk of life?—You must leave that with the companies after all; but I think anything that would produce more inspection, and report from the Railway Department, might be beneficial.

3453. *Chairman.*] Are you aware that on the morning on which this melancholy accident at Clifton occurred, the company with which you have been connected received two letters from the Board of Trade referring to two previous accidents, remonstrating with the Lancashire and Yorkshire Company upon their neglect of the recommendations of the Board of Trade, and intimating, that if that continued, it would be necessary to bring them specially under the notice of Parliament?—No, I have not, but I believe that kind of threat would be sufficient; I do not at all object to its being made.

Mr. *George Bernard Townsend*, called in; and Examined.

Mr. *G. B. Townsend.*

3454. *Chairman.*] ARE you a Solicitor in Salisbury?—Yes.

3455. Have you been desired by some of the principal landowners in that part of the country to appear here?—Yes.

3456. Have you heard the evidence given by the Mayor of Salisbury?—Yes, I have.

3457. Are there any other points besides those spoken to in his evidence which you wish to bring under our notice?—Yes, first of all, I would say with reference to what the Mayor of Salisbury has said, that I would not put the matter quite so strongly as he does; we rather thought, in our part of the country, that this Committee would have done this for us: that they would have prohibited any of the companies who have had Acts of Parliament in the West of England, namely, the Great Western, the South Western, and the Bristol and Exeter, from obtaining other Bills until they had either executed those powers which they now have, or have had, or had got relieved from them, either through the Board of Trade or Parliament.

3458. Is there anything else you wish to add?—With regard to another point, we are now in this position: For the last eight or nine years, the West of England has been contested by these three companies; the railways most desired, and which were sanctioned by Parliament, are not now going to be made, in consequence of the powers for them having expired, notwithstanding there have been five decisions of Parliament in favour of them, and in consequence of the Great Western Company and the Bristol and Exeter Company jointly promoting a line, which will have the effect of closing up the country, that line, which Parliament has said five times ought to be made, will be prevented from ever being made.

3459. Do you allude to the Devon and Dorset?—Yes.

3460. Have you a *locus standi* before the Devon and Dorset Committee?—No.

3461. It is a matter of accident whether there are landowners through whom they can get a *locus standi*, or not?—Quite so. It is now hardly a reasonable thing to expect that, after the delay there has been in making any railway, that the landowners would be induced to stop it; the majority would rather have a very bad line than none at all.

3462. The grievance which you wish to draw our attention to is this, that the people in one part of the country may be materially concerned in promoting or opposing a line which, though not in their immediate neighbourhood, is part of a continuous scheme which they think should pass through their district?—Exactly.

3463. And such parties are not brought before Parliament when Bills of that kind are referred to Select Committees?—Yes; those who really have a geographical interest in the line, one way or other, have no opportunity of expressing their opinion upon the subject.

3464. That which you think ought to be considered on public grounds, is regarded by the Select Committee as if it were a private controversy between the promoters and the landowners?—Yes, certainly.

3465. That is the grievance which you, on behalf of the inhabitants of Salisbury, were desirous to bring under our notice?—I would rather appear on behalf of

of the petitioners, whose petition has been referred to this Committee, and who asked for relief in some form or another. We would rather have had the relief suggested in the petition, without being put to the expense of opposing these Bills on the merits, because we say the merits have already been five times decided, and it is unnecessary to trouble Parliament on this subject again.

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Thomas Grahame, Esq., called in; and Examined.

T. *Grahame*, Esq.

3466. *Chairman.*] WERE you formerly Chairman of the Grand Junction Canal Company?—Yes.

3467. And you are now deputy from the Grand Union and the Leicester and Northamptonshire Canal Company and the Leicester Navigation Company?—I am.

3468. Are you deputed by them to give evidence?—Yes. I have seen the resolution passed by this Committee on the subject of canal and railway amalgamation. I do not interfere or want to give an opinion on the propriety of railways being amalgamated together, but what I want to draw attention to is the very great risk of amalgamating canals with railways, or giving railways any power over canals. On the 21st July 1845 an Act of Parliament was passed, giving to all canal companies whose proprietors adopted that Act the powers possessed by railway companies of fixing permanently or leasing their tolls to each other. The new powers thus conferred on canal companies are stated in the preamble to the Act to be granted in the view and for the purpose of obtaining "greater competition for the public advantage." They were adopted by the proprietors of many canals, and, among others, by the Leeds and Liverpool Canal Company. The London and North Western Railway, the Midland, and the Lancashire and Yorkshire Railways, competitors for the traffic of the district traversed by the Leeds and Liverpool Canal, having under the authority of Parliament secured to themselves the property of certain navigations, and being desirous to put down all competition for traffic in the Leeds and Liverpool district, engaged the Leeds and Liverpool Canal Company, in the Autumn of 1851, in consideration of an annuity of 41,860 *l.*, to give up all competition, and to close up their navigation by the imposition of prohibitory tolls, obtaining thus for the combined railways a perfect monopoly of the traffic of the district traversed by the Leeds and Liverpool Navigation. The arrangement is made to assume the appearance of a lease of the canal tolls under the powers of the Act of July 1845; the lease is a fiction, the 41,860 *l.* yearly is paid, not as a rent, but in consideration of a rise on the canal tolls, which shuts up the navigation, and compels the traffic to be sent by rail. Previous to the commencement of railway competition, the tolls on the Leeds and Liverpool Canal on goods and general traffic, varied from three halfpence to a penny per ton per mile on the entire distance, being 98 miles, the total toll varied from 8*s.* 2*d.* to 12*s.* 3*d.* per ton. To meet railway competition, the canal tolls were reduced to three farthings and one halfpenny per ton per mile, the toll charged on the whole distance varying from 4*s.* 1*d.* to 6*s.* 1½*d.* per ton. In these circumstances, the three railways before mentioned, together with the East Lancashire Railway, offered to the Leeds and Liverpool Company an annuity of 41,860*l.*, the counter condition being a rise on all the canal tolls to three halfpence per ton per mile, equal to an advance of from 100 to 200 per cent. on the existing tolls; the tollage on each ton passing the entire distance of the canal, being raised from 4*s.* 1*d.* and 6*s.* 1½*d.* to 12*s.* 3*d.* per ton. The Leeds and Liverpool Canal Company accepted the offer, but declined to allow the East Lancashire Railway Company to appear as parties to the transaction, that company not being possessed of any canal whereby to legalise the transaction. The arrangement has been completed under the form or fiction of a lease of the Leeds and Liverpool Canal tolls by the London and North Western Railway, as proprietors of the Huddersfield Canal, the Lancashire and Yorkshire, as proprietors of the Bolton and Bury Canal, and the Midland Railway as proprietors of the Ashby-de-la-Zouch Canal. The proportions in which the four railways before mentioned are bound for the annuity of 41,860 *l.* are not publicly known; but in Bradshaw's Railway Manual of this year, 1853, on pages 113 and 154, it is stated that the interest of the Midland in the transaction is one-third while that of the London and North Western is a tenth, the loss to the London and North Western being limited not to exceed 4,000 *l.* a year. The Midland and Lancashire and Yorkshire Railway Company

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give no statement of their loss on the transaction; but at the half-yearly meeting of the East Lancashire, in February 1852, Mr. Dugdale, the chairman, stated, that the proportion of loss sustained by the East Lancashire Railway Company under the lease was 5,814 *l.*, adding that "the increased rates upon all through traffic between Leeds, Bradford and Liverpool much more than covered all the loss thus sustained." Until Parliament shall interfere with most stringent regulations to stop such nefarious arrangements, every line of canal communication may be legally closed to traffic, and a monopoly of transit in favour of railways legally established under an Act of Parliament passed for the purpose of obtaining competition for the benefit of the public. There is not a navigation in England that could not be shut up to-morrow, to the great injury of the public and of connecting canals. The Grand Junction, by arrangement with the London and North Western, could stop the traffic between Birmingham and London, by leasing themselves, as some of the other navigations have done.

3469. Mr. *E. Denison.*] Do you mean by "shutting up," prohibitive tolls being imposed?—Yes. The railway companies obtained their powers on the plea of benefiting the public by reducing canal charges, possessing themselves under Parliamentary authority of particular canals, they are enabled to make arrangements by which the very purposes for which their Acts were obtained are defeated, the public seriously injured, and a gross injustice inflicted on connecting canals.

3470. What is the proposal you have to state as a protection?—I should propose that no further powers should be given to any railway company without most stringent clauses to prevent combinations so hurtful to the public as that now in operation in the Leeds and Liverpool district.

3470*. Would preventing this in future give you all the protection you require, or do you want protection from the legislation which has already taken place?—No; there should be relief for what has taken place already; but of that hereafter.

3471. How do you propose that Parliament should interfere to protect you against legislation that has already taken place?—In the only way that Parliament can interfere; I put my case entirely on public ground; the only way in which Parliament can fairly and truly protect the public, and give them the benefit of competition, is by establishing a through toll upon all canals forming links in a continuous line of water communication. Canals are open routes, railways are not. It is essential to the public interest that canals should be kept open to individual competition.

3472. Do you think the best mode of obtaining protection would be, that there should be some responsible Board of the Government, with considerable powers, which might arbitrate between parties in these difficulties?—Decidedly that would be better than the present system. A canal is like a turnpike road; let the tolls be moderate and it will be used and kept open, and the public thus gets not only the benefit of competition, but a permanent check on railway charges.

3473. When you say you want a thorough toll, how would you propose a thorough toll?—It would be very easy to arrange a thorough toll; when you concede the principle, the data for forming it are easily procurable.

3474. You say the only security for canals is to have a thorough toll; what toll do you mean?—Such a toll that if they have the traffic for which they compete with the railway, would maintain the canal and give a dividend. Such a toll, in fact, as would, ere this time, have been established on all lines of canal, had the competition with railways been permitted by Parliament to take its fair course.

3475. Who is to settle what this thorough toll is to be?—That is a matter of detail. There is one point which you can easily settle. Railway companies should not be permitted to exact on canals transferred to them by Parliament, and forming links in a chain of water route, tolls higher than the absolute freights charged on the parallel and competing line of railway.

3476. You say that a thorough toll upon canals is the only protection?—Yes.

3477. Now state what the thorough toll in your estimation ought to be, and how it is to be settled?—I have answered that question by saying it is a matter of detail. The power of a canal passing traffic is only limited by the locks upon it. You can always say what number of boats a canal can pass in a given period, in so many hours per day, and if the thorough toll you fix be such as will give to the canal company the means of maintaining their canal, with the prospect

prospect of a dividend, provided they get the traffic competed for such, is a fair thorough toll. *T. Grahame, Esq.*

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3478. But supposing that a canal is in the power of a railway which has purchased it, is it for the railway, who are now masters of the canal, to say what this thorough toll is to be, or who is to fix it?—It may be fixed by the Board you mentioned, or it may be fixed by Act of Parliament. The railway should not be permitted to levy on the canal a toll higher than the entire freight charged on the parallel line of rail. The London and North Western Railway Company bring up coals from Lancashire at less than one halfpenny per ton per mile. They possess the entire control of the London and Birmingham and the Trent and Mersey Canals. The distance of that competition by railway is 174 miles, by canal 228, and they exact upon about 100 miles of the canal route under their control a toll (for the use of the canal alone) nearly double their freight charge on coal, along the shorter line of railway.

3479. What remedy do you propose for that?—A thorough toll.

3480. How can you establish it?—The railways having canals are before you, and you have the power to fix and lower their tolls. Whether you are to extend the measure to independent canal companies not before Parliament must depend on yourselves; as representing several canal companies, and as a canal proprietor, I think you are bound in justice and entitled in equity so to do.

3481. Do you mean that as each canal comes under the revision of Parliament, asking new powers, a thorough toll should be fixed by Parliament?—Yes, or you may do it by a Board. I think it would be better to do it immediately by direct legislation than to leave it to a Board. It can be done fairly by people who are really desirous of seeing the thing carried out.

Lunæ, 25° die Aprilis, 1853.

MEMBERS PRESENT.

Mr. Strutt.	Mr. Labouchere.
Mr. Cardwell.	Mr. Bright.
Mr. Laffan.	Mr. W. Patten.
Mr. M. Milnes.	

THE RIGHT HON. EDWARD CARDWELL, IN THE CHAIR.

Robert Baxter, Esq., called in; and Examined.

3482. *Chairman.*] HAVE you been Solicitor to the Great Northern Railway Company?—I was. *R. Baxter, Esq.*

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3483. From the commencement of their undertaking up to a very recent period?—It is so.

3484. You have necessarily, therefore, had very considerable experience in matters both of railway legislation and railway management?—For the last eight years I have.

3485. Was not the Great Northern Railway founded, to a certain extent, upon the principle of competition?—It was.

3486. Will you explain what are the views which you have been led to form on the subject of railway amalgamation?—I consider that amalgamations of railways, even under the present system of legislative control, may be very beneficially carried into effect upon continuous lines, that is, several lines which form the link between one point and another;—that no harm whatever could happen, but, on the contrary, good both to the public and the companies from the amalgamation of such lines. It also appears to me, with regard to another class of lines, nothing but benefit would occur to the public, and that is where there are smaller lines lying within a district, if they are amalgamated with the larger system of lines contiguous to them, and to which it may be said they properly belong. But with regard to the amalgamation of great lines of railway, it appears to me that it would be impossible to sanction such a step without being

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being prepared for all the consequences of an entire fusion of the railway system throughout the kingdom.

3487. Is it easy to draw the line, do you think, between lines that are continuous and lines that are not continuous; for instance, looking at the communication between London and Leeds, would you say that the line from Rugby to Leeds was a continuation of the line from London to Rugby?—Of course there are always limits of difficulty in any definition which you may make, and with respect to the one to which you point, it seems to me that you would have to consider not the continuity of the line, but the present magnitude of the system to which you would attach, by amalgamation, the trunk between Rugby and Leeds.

3488. So far as that instance is concerned, the definition of a continuous amalgamation fails?—To a certain extent.

3489. By what principle would you be guided in bringing to the test such cases as that of the proposed amalgamation between the North Western and the Midland?—In the proposed amalgamation between the North Western and the Midland, it seems to me that the public grounds on which it is asked for fail, upon the reasoning that the two companies are too large to amalgamate, unless you are prepared for a general fusion of all railways.

3490. Then you would think that it would be unwise to consent to that particular amalgamation, not upon the ground of the line being continuous or not continuous, but upon the ground of the great magnitude of each of those corporations in its separate state?—Just so, in that particular case.

3491. Does that lead you to say that, upon principle, there is an objection to amalgamations being carried beyond a certain length?—Most decidedly; if you make one company of such a magnitude that it is able to overpower other contiguous companies, the effect of such a principle would be that, having united the two first great companies, they would bring within their sphere the next contiguous companies, and that sphere would enlarge on every side, till the whole system of railways became fused into one company.

3492. Speaking, then, of companies of first-rate magnitude, such for instance as the North Western, with thirty millions of capital, is it your opinion that, in cases of that kind, amalgamation has gone far enough?—Quite so. I consider it would be incompatible with the principle upon which Parliament at present deals with railways.

3493. Is it your opinion that the power of the companies is large enough already, and that that power would be raised to a dangerous height if it were allowed to absorb other great companies?—Just so; what may be called the fighting powers of railways have been much developed, of late years, by the contests that have been going on with great companies; and those fighting powers are of a most serious description.

3494. By fighting powers you mean the inclination of a company, the sources of whose revenue are generally diffused, to lose revenue in the particular place where they desire to direct the edge of competition?—Yes; where a company with an income of 70,000 *l.* a week is competing with another company whom it desires to reduce into obedience, it will make up its mind to lose 2,000 *l.* or 3,000 *l.* a week for six months, knowing that it can afford to lose that sum, and the other company cannot afford it. The effect on the larger company may be a very small fraction of a dividend; the effect on the smaller company will be a very serious reduction of the dividend, and the consequence of that is, that in the feverish state of all railway shareholders, the company whose income is greatly reduced would immediately be revolutionised, and the shareholders would quarrel with the directors, and in the midst of the revolution other arrangements would be proposed, and those, most probably, would be some union or agreement with the larger company.

3495. Then do you lay down as your chief principle, that amalgamations should not be allowed to go to so great an extent as to create single corporations, whose power is able to overbear all the other corporations in its neighbourhood?—Clearly so; and because the present system of Parliamentary regulation, if we may suppose that there is a regulation at all, is to allow competition generally between companies—merely stepping in upon certain occasions to interfere with that competition,—and such competition could not co-exist with a company beyond a certain scale of magnitude.

3496. Are you of opinion that the univeral fusion to which you have referred in

in your former answer, could be carried into effect with a due regard to the general interests of the community?—I am clearly and strongly of opinion that such a measure could not, at the present time, be carried into effect; because there is no public department sufficiently educated to take the command which would be necessary in such a state of things. The science of railway government is one of a most intricate character. Gentlemen of the greatest talents in general business, when they come to apply those talents to railway management, are perfectly at a loss. I have met the most acute minded public men upon railway subjects, and found that when we descended into the details of railway management, the subject is too intricate to allow them to exercise a safe judgment upon it; and I conceive that no man, whatever be his powers, can take up such a subject newly and understand it, for two or three years at least; he must have two or three years' experience before he is competent safely to deal with it.

3497. You have spoken very justly of the want of experience and knowledge that a public department might be expected to bring to the task of railway management; now, extending the nature of that observation, do you think the general progress of science, with respect to railway management, has been such as that we way suppose it has already arrived at perfection, or, on the contrary, may we not reasonably expect that new improvements will from time to time be made, and that the progress of science in railway management in affording facilities for railway communication will hereafter be very great?—No doubt the science of railway management is by no means perfected; you can scarcely say it has yet attained manhood, either if you regard the general policy of railways, as to which most incredible mistakes are still made under railway management, or if you regard the particular mode of transmitting your traffic and your passengers. Improvements will be made in both departments as experience goes on, and there are no means of educing those improvements so satisfactory as leaving the matter to a modified competition.

3498. So that if there were a universal fusion, and that universal fusion was regulated by an executive department, a great barrier would, in your judgment, be created in the way of the natural progress and improvement of railways?—Not only that, but I believe railways would go back immediately. I can trace in the course of my experience the most important points of progress and advantages on the part of the public arising out of the system of modified competition which Parliament has chosen to leave railways to establish. In 1844 the scale of passenger rates and of goods rates, speaking according to the best judgment and experience I have, was at least 25 per cent. higher than it is at present. At that time the speed of the first-class passenger trains was very much below the present speed. We may take now the first-class express trains as clearing 40 miles an hour. Then the standard was about 30 miles an hour. In speed, therefore, and in cheapness, and, I may add a third point, in accommodation, the public have gained within the last eight years very considerably. I would add, also, that if there was a general fusion, not only would these improvements be stayed, but I believe that we should be positively put back. I know that there is a strong impression amongst many influential people in railway management, that the speeds are too great for profit, and I conceive the first step that would be taken in the general fusion of railways would be to put back the general speed instead of advancing it. It is probably within the observation of the Committee, that the simple fact of the opening, or the contemplated opening, of the Great Western into Birmingham, had the effect of immediately inducing the North Western to build a higher class of engines, with the avowed intention of running to Birmingham in two hours. I do not speak of that as a matter accomplished, but I speak of it as a result of competition, and as a stimulus to the improvement of railways, which cannot be attained in a public point of view unless by leaving parties to compete with each other.

3499. You have spoken of "modified competition," and you have spoken of lines of a local character being amalgamated with the systems to which they naturally belong; does that point to an opinion of yours in favour of what has been called "territorial division"?—To a certain extent; it is impossible for a small railway to exist; it may possess its local traffic bounded within its own line entirely, but a very great part of railway traffic either is through traffic going over the line, beginning at a point beyond it in the first instance, and

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reaching a point beyond it at the end of the journey, or it is traffic arising within a district going out of the district on to some other line of railway. Now if the large system, within the bounds of which the small line lies, desires to starve that line into submission, it will put the maximum rates upon all traffic that passes off the local line on to any other part of their system. The consequence of that is, that the profits on the local line are immediately reduced, and by putting on the pressure still further, by impeding the transmission of trains from the local line on to the metropolis, or any large town at either extremity, they may reduce that line into such a state with regard to its paying qualities, as regards its efficiency and public accommodation, as to make it not answer the purpose for which it was granted, and not at all profitable to those who hold it, thereby necessitating a fusion of that line within the larger system, and bringing about by compulsion the amalgamation. Now, clearly in a line situated as the local line I have endeavoured to describe, it would be mercy, to use a strong term, to allow it at once legislative sanction for amalgamating, because unless it be protected it cannot continue to exist.

3500. But speaking of the great communications as among themselves; speaking of the North Western and the Midland, the Great Northern and the Eastern Counties, as such constituting a great separate scheme, do you mean by modified competition that there should be a sort of understanding, more or less defined, of the district within which each of those systems is to exercise its energies, and from which each is to derive its revenue?—I think so, certainly.

3501. Not guaranteed so that the faith of Parliament is pledged to make over an entire district of the kingdom into the power of a particular corporation; you do not go so far as that?—That is impossible; you cannot get that pledge, I conceive, from Parliament, and it would be in all respects unadvisable.

3502. But short of that, *quamdiu se bene gesserit*, the companies might be allowed to extend themselves within their own neighbourhood?—Certainly; and I think it is the policy of Parliament, to a certain extent, to protect each company within its own district.

3503. Have you any observations to offer on the mode in which Parliamentary legislation in respect of railways has been conducted, as to whether it is sufficiently systematic, and whether the jurisdiction of Parliament is exercised with a sufficient view to the whole case of railway competition; whether it is not now too much limited to the question which is at issue in the particular Committee, namely, between the promoters of a particular Bill and the landowners through whose land that line happens to pass?—It is not only my own opinion, but I think it is a very general opinion indeed, that the interference of Parliament in railways has been wanting in system and wanting in principle; that each case has been left to its own particular circumstances, and the feelings of the Committee before whom it has been placed, without regard to other lines and other systems, or the general advancement of the railway system in the kingdom.

3504. May it not happen that the parties really most interested in the success or rejection of a particular line are wholly removed, as regards situation, from the precise line itself; for instance, a populous town, and not one of its tradesmen own any of the land through which the line is to pass, may be really the persons most interested in the due conduct of a Parliamentary inquiry into the merits of that line?—It may happen that in a line of considerable extent there may be left out a very important town, and the inhabitants of that town having no land upon the line, may not have even what is called a *locus standi* before the Committee to represent their case, and whenever that happens, they are obliged to resort to expedients, and to put themselves into the hands of some man who is opposing, and get collaterally what it would be much more straightforward, to allow them at once, an opportunity of representing their circumstances to the Committee. But it appears to me, with respect to railway legislation, that unless you can persuade Parliament to have a standing Committee, that will from Session to Session meet, and take a general oversight of the schemes that are brought before Parliament, there is no hope whatever for any system, and there is no chance whatever of laying down any principles of legislation. You might pass resolutions of the House for the guidance of a Select Committee, and those resolutions would, to a certain extent, remedy the evil of which we are speaking; but then, practically, if those resolutions are left to the interpretation of the Select Committee (for the House is very unwilling to interfere with any decision which a Select Committee has come to), you will have very

wide

wide departures from the resolutions. Whereas if you had a Standing Committee, which would take the general oversight, and certain resolutions of the House to guide railway legislation, this Standing Committee might take care that those resolutions were adhered to, and from practical experience from Session to Session, would be able to educe principles which are safe for guidance, and avoid many of the evils which we now complain of.

3505. And if Parliament sanctioned such a change as you have spoken of, in the mode of passing the Bills through the House, you were understood to say, that you would recommend them to look in the direction of territorial division? —No doubt territorial division is inevitable, but territorial division must not be made unassailable, inasmuch as after you have established a series of diverging lines from one centre, there will be also a series of lines at right angles, and other angles, coming across the country for other purposes, which, being in the hands of one or other of these companies, may be said to be an onslaught from the one system on to the other; and if Parliament, therefore, were to bind themselves to a territorial division, they would find themselves most inconveniently placed with regard to those companies at some future period of railway development.

3506. This circumstance of which you have spoken, namely, the gradual development of branch lines in all parts of the country, leading to universal confusion, may be expected to be felt in future years very much more, if the Committees are left to deal at haphazard, thinking of nothing but the local merits of each branch?—Very much so indeed.

3507. Is it in your opinion very reasonable to expect that the feature of the next 20 years may be a great development of local branches for the purpose of carrying rural traffic into the great trunks of railway communication?—No doubt that will be the action of future years. You have now most of your main lines established throughout the country, and what is desired by the country, and desirable for the benefit of the country, is that the collateral lines connected with those trunk lines should be extended on every side. But I am sorry to say that the present system of railway legislation most materially retards that. The present system of competition amongst railways which you cannot prevent, which you cannot interfere with, but the end of which you must wait for, also retards that operation. Great companies are now competing for the great centres of traffic, instead of spending their strength in laying out collateral lines, which really would be for the benefit of the country.

3508. The small local lines are naturally dependent very much upon economy of construction, and in short upon being carried into effect in all respects at the smallest possible cost; is not the expense of obtaining the Bill from Parliament a very important element in considering the possibility of obtaining a local line?—A very important element indeed.

3509. Are you of opinion that if a machinery could be instituted by which, where the landowners generally were desirous of obtaining a line, the present expense of Parliamentary proceedings might be got rid of, or very much diminished, and that would tend to a very great multiplication of railways throughout the country?—I have no doubt it would, and it is a very desirable object.

3510. Can you give any opinion on this point: you have spoken of the great power which a trunk line has in reducing to its own terms any small branch that may fall into it; running powers have been discouraged very much by Parliament as dangerous to public safety; a small line, say of five or ten miles in length, could not afford to maintain engines and carriages for itself, and unless, therefore, the great trunk would maintain them, and run them over the branch, the branch could not exist if running clauses are not to be given to the small branch, and if the trunk line be reluctant to receive it until it has made more beneficial terms for itself, would there be any possibility of arranging, by arbitration or otherwise, that the terms on which the trunk should receive the local feeders should be equitable?—There would be extreme difficulty in subjecting an existing company to an arbitration which should have the power of saying what per cent. it should give on the capital of the smaller line, or on what terms it should work the smaller line, assuming that those terms mean not merely so much per mile for the expenses of the train run, but so much per cent. on the capital which is laid out, and most certainly it would not be equitable to the larger company to subject them to the running powers of the smaller company. The question of running powers is one which, although there is a difference of opinion upon it, has really received a very practical solution by the habits of railway

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way companies already established. Any general gift of running powers from one line to another has become, and is known by all railways authorities to be impossible, whilst similar running powers for twenty, thirty, forty, or fifty miles on another railway are every day's practice, without any complaint or any resulting accident.

3511. You mean where a portion of one line intervenes between the communications which the through lines wish to carry on?—Either in the course of the through line, or towards the termini.

3512. May it not be collected from your evidence, that what you would generally recommend is, that the mode of Parliamentary legislation should be made more systematic?—Certainly.

3513. That there should be a general committee on railways appointed to superintend the whole question of railway legislation in every year?—I think so; and if I might presume to shadow forth something which I think according to my experience would be practical, I would state it thus: that there should be a Committee consisting of the President of the Board of Trade, the Chairman of Committees, and three other selected Members, and of all Members who have been chairmen of railway groups in the preceding or existing Session; that all the Bills should be laid before this Committee before the second reading, with a map of the scheme, but without any statement; that the Committee should pass on all those to which they see no objection, and let them proceed to the ordinary second reading, and Select Committees in the general course of business; that in those schemes which appear to the Committee as probably contravening the right principle of legislation, the Committee might require statements from the promoters and opponents, and upon those statements make up their minds to report, either that their objections are removed, or that they consider the Bill should not proceed. But judging from the experience of the past Sessions, and particularly the very notable experience of the reports of the Board of Trade, I think it would be very unsafe in any case to make the opinion of such a Committee final. I would allow the parties to proceed with their Bill under these conditions:—that they should print the evidence, and when the evidence is gone through, that instead of the Select Committee coming to a determination alone, the printed evidence should be laid before the Standing Committee, and the Select Committee and Standing Committee in conference decide upon the fate of the Bill. That would give the opportunity to the Standing Committee of having the fullest information of the facts of the case, with the impression of the Select Committee on the full hearing of all the arguments on both sides, and still leave to the Standing Committee, if they thought that the Bill, as ultimately proved, did contravene the right principle of legislation, to stop it, and let it be thrown out. I think that process would not, in any perceptible degree, increase either the delay or the expense of Bills passing through Parliament; at the same time there would be then a certainty that railway legislation would be reduced to a system, and principles would, year by year, be laid down, which the profession knowing, and the country knowing, they would not attempt in future years to contravene them. But now it is a perfect lottery. If I were to start a new railway from London to Birmingham for the next Session of Parliament, nobody could tell me whether I should get it or not. It would depend on the feelings of the times, on the Committee before whom I went, and various other circumstances, so that nobody could say it is certain to be thrown out or it is certain to be granted.

3514. Is the general recommendation which you would give this, that there should be a general principle adopted by Parliament with the view of extending railway communication, according in the main to a system of territorial division, and that there should be a standing Committee of Parliament for the purpose of dealing with all the railway legislation of the year in conformity with that principle?—Yes, that is very much my view.

3515. Mr. *M. Milnes.*] In what point do you regard a system of amalgamation of railways to differ from the present system of voluntary combination which takes place, and seems to carry with it practically so much of the effect of amalgamation?—The voluntary combinations are merely another phase of competition; it is the peaceable phase of competition. You have the belligerent phase, where parties are running the rates down to the lowest point, and competing at full fight. You have the more peaceable phase when they have agreed upon equal rates, —which is one mode of doing it—or when they have agreed to divide the traffic,

—which,

—which is another mode of doing it; but, even when that has taken place, the companies who have voluntarily made this arrangement are substantively and really competing with each other, because they know the voluntary arrangement must have an end, and according to the position in which each one of them stands when that arrangement comes to an end, will be the future division of the same traffic upon a renewed agreement, and therefore the voluntary arrangements, it appears to me, are not an end to competition, but merely a modification of it.

3516. Have you heard that it has been asserted before this Committee, that all the competition which is at present going on must soon come to a termination, that the competition will be worked out whether we will or not; and therefore the only question that we have to determine is, whether we should place certain conditions upon an inevitable system of amalgamation; do you agree with that view?—Not at all; if Parliament refuses to sanction the amalgamation of great companies, competition must and will continue. If Parliament could be induced to sanction the amalgamation of any two of the larger companies, the London and North Western and the Great Western, or the London and North Western and the Midland, they must then go on ultimately to amalgamate all the companies; but standing where they are, there will be a great deal of agreement, and a great deal of fighting; but still competition will continue to the end of the chapter. After you have a railway board, a public board, educated for the control of railways, it may then be practicable to take another view of the subject, and put them into another phase. But if you were to amalgamate all the railways, at present there is nobody to control them; Parliament cannot interpose—there is no public department which is competent to such a work, and it would require years of education to enable them to undertake it.

3517. Do you think it would be possible to draw such a distinction between what you call the more powerful and larger systems of railways and railways of inferior importance, as to say that two certain companies shall not amalgamate, simply because they are two powerful bodies, while a more powerful and less powerful railway might be permitted to amalgamate?—I think you may without difficulty draw such a distinction in railways; there are but six or eight large railways in the kingdom which can be called large systems.

3518. May it not occur that those systems are so interlaced, as it were, that a lesser railway intervening between the two may be an object of vital competition between the two great systems of railway, and that therefore the public would be better served by this railway amalgamating with the one line or the other?—There will very often difficulties occur as to which system should amalgamate a particular line, when two systems may each desire it; but each case of that kind must be dealt with upon its merits; it does not create any difficulty in distinguishing between two great systems.

3519. Until the Great Northern Railway was established, was not the line along the North Western to Rugby, and continued from Rugby by the Midland Railway to Leeds and York, one continuous line by which the public went to the north?—Yes.

3520. How, therefore, does the existence of such a new railway as the Great Northern affect the advisability of combining the North Western with the Midland so as to make its common arrangements useful to the public?—I do not think, if the Great Northern had not been made, it would have been wise for Parliament to have amalgamated the North Western and the Midland, for by that act, assuming no such line as the Great Northern was ever made, they would have practically stayed the competition between London and Scotland.

3521. Is it your opinion, that if that amalgamation had taken place before the Great Northern was made, it would either have prevented or thrown a great impediment in the way of making the Great Northern?—No doubt; and according to my experience, if that amalgamation were made now, it would be excessively difficult for the Great Northern, as far as I know it, to continue in existence as a separate company.

3522. Will you state why?—The power of oppression—the power of reduction would be so great on the part of the larger company. You will see in a moment: I take the London traffic of the West Riding of Yorkshire, for example, at 200,000 *l.* a year. That divided between the Great Northern and Midland, assuming the Great Northern to take three parts out of four, would be 150,000 *l.* for the Great Northern and 50,000 *l.* for the Midland. Supposing the London and North Western and the Midland were to say, we shall only sacrifice 1,000 *l.* a week

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a week by reducing the fares to the West Riding of Yorkshire to the minimum at which they will pay nothing, whereas we shall take 3,000 *l.* a week out of the traffic of the Great Northern; the mischief, therefore, would be to the greater company a loss of 1,000 *l.* a week, and to the smaller company it would be a loss of 3,000 *l.* a week, and that 1,000 *l.* would be 1,000 *l.* out of 70,000 *l.*; whereas the 3,000 *l.* might be 3,000 *l.* out of 15,000 *l.* It would be impossible for the small company to keep up that contest for any length of time.

3523. Why cannot that now be effected by combination?—Because the Midland Company would destroy their own position by adopting such a method. It is not now done, because it is not the interest of the Midland Company to do it. If the Midland Company were permanently amalgamated with the North Western, it would then become their interest.

3524. In what way do you think that the object would be more effectually secured, of giving the towns and districts which have been unfortunately left out of the lines of the great railways the railway accommodation which they do not at present possess?—That railway accommodation will be given as soon as it can be given with profit to those who undertake to give it, and it is the present depression of railway property which prevents the work being at once done; as soon as railway property rises higher in point of emolument, the collateral lines will then be made; but you cannot get capital invested unless you show there will be a good return for its investment.

3525. Do you mean, then, that so much money has been spent in the fighting lines, that the companies have no money to spend in accommodating the public as they might wish to do?—Not quite so; it is this: that the capital invested up to the present time has not been altogether wisely or economically invested, and, whether from that circumstance or others, it is paying on the whole very badly; so much so, that the public are discouraged from investing any more money in railways. That is the present feeling of the country; you must remove that feeling before you can have an extensive development of the railway system for local accommodation. That accommodation must ultimately be given, and we must wait a favourable opportunity to obtain it.

3526. Do you think, if such a permanent Standing Committee as you propose were established, that the railway world would generally submit to its decisions, and that they would not attempt in the following year, or some subsequent period, to bring forward a project which had been refused by that very Standing Committee?—If such a Committee were established under the sanction of the House, there is no doubt that after it had existed for two or three years, so that the country was satisfied the House would uphold its decisions, they would then bow to the principles which had been laid down. Of course, the principles laid down by that Committee would have to be submitted to the House, and the decision of the House would, in almost every case, be taken upon them; but as soon as the country understood that it was the settled intention of Parliament to act on certain principles—for instance, not to allow a duplicate line where the first can do the work of the district, and where the first is not paying exorbitant profits—there would be an end of the attempt; but now there is no such understanding, therefore efforts are continually made.

3527. Would you advise that this Standing Committee should have the power of enforcing the making of the line within a certain period, as has been proposed in the resolution laid on the table of the House?—I am afraid, in the present state of railway interest, the effect of this resolution would only be to prevent certain lines being made that otherwise would be made. I see no objection to it, if it is laid down as a principle that a line once obtained from Parliament shall be made. Parties having notice that that is the rule of Parliament, will lay their account in it, and come only with schemes which are to be carried into effect. There is one other matter I wish to mention, which it seems to me is a matter in which the public have to complain of railways more than on any other point, and which it seems to me, also, is capable of adjustment, and that is, where there are lines communicating with each other, the trains are not now made to fit or meet each other, unless the lines are in perfect agreement. It is a matter constantly complained of by the public, that having travelled a certain distance on one line, when they get to another line they have no train to take them on to their destination. Now that is a reasonable point of complaint, and it is a matter which a railway department might very justly and properly take in hand for the purpose of adjustment; and I would venture to suggest,

suggest, that a power should be given to a railway department to interpose in cases where lines meet, to take care, for the benefit of the public, that the trains should be continuous, and that there should neither be obstruction nor delay in the forwarding either of passengers or goods. If such a power were vested in the railway department, it is one of which the railways ought not to complain, and it is one which would be a first step for training a department towards an interposition in railway affairs which might ultimately be beneficial in other matters; but, if the power be given, it must be given to the extent not only of interposing in the times of trains, but also in the speed of the trains, and in the charges to be made for the passengers and traffic which are conveyed by those trains.

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The Right Honourable *The Lord Advocate*, a Member of the House, and the *Solicitor-general* for Scotland; Examined.

3528. *Chairman* (to *The Lord Advocate*).] WILL you explain to the Committee what are the proceedings which you take, according to the law of Scotland, against either the immediate executive officials, such as the engine men and guards, or against any superior officers and directors of railway companies, when culpable negligence has led to the loss of life, or to serious accidents?—The responsibility of railway officials, in such a case as you mention, by the law of Scotland, depends upon the general principles of the criminal law of that country, which are applicable not only to railway officials, but to every one who, in the discharge of his duty, may by neglect endanger the lives of the public.

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3529. It applies, for instance, to the management of passengers by steamboats?—Yes; and to all cases of the same category, which of late years has been enlarged very much by the additional facilities afforded to locomotion by modern inventions.

3530. That is at common law, is it not?—Yes, at common law; it might perhaps explain more fully to the Committee the proceedings that are taken, and the principles upon which these proceedings depend, if I were to mention one or two instances that have occurred, particularly of late years. And first, in regard to cases not cases of railway accident. I may mention the case of the wreck of the "Orion" steamer two years ago. The master and the mate of that vessel were tried upon an alternative charge, the first charge being culpable homicide, which is equivalent to manslaughter by the law of England, and the other charge being (I have the indictment in my hand) "culpable and reckless neglect of duty by an officer or mariner employed or engaged on board of a ship whereby the ship is wrecked, and any of the lieges are bereaved of life." That charge was found relevant by the court; the two prisoners were convicted, the master was imprisoned for 18 months, and the mate was transported.

Vide Appendix.

3531. Mr. *Bright*.] What was the length of time for which the mate was sentenced to transportation?—Seven years.

3532. Is he now suffering that punishment?—I believe he is. I have not heard that the sentence has been remitted; my impression is that it has not been so.

3533. What was done with the captain?—He suffered the whole time.

3534. *Chairman*.] That was two years?—Yes; very strong representations and great exertions were made to mitigate it, because he was a man whose character stood very high, but he suffered the whole term of his imprisonment. The same principles have been applied in other cases of steamboat wreck. There was one that occurred in the begining of last year, I think in the river Tay, but the case of the "Orion" is probably fresh in the recollection of the Committee, and was one of the most important cases that has occurred in that class. In regard to cases of railway accidents, the first one that attracted much attention was the case of an accident on the Edinburgh and Glasgow Railway, a case of collision, as indeed most of them have been, where a party having taken a special train from Glasgow to Edinburgh, the engine broke down, and the mail train coming up a poor man was killed, of the name of Cooley. For that accident two parties were tried; a Mr. Paton, who was the superintendent of locomotives, and the driver of the engine.

3535. The driver of the engine that broke down?—The driver of the engine that broke down. Paton was charged with sending out an engine that was not sufficient for its work, and M'Nab for not having his signal lamp in proper order,

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or displaying it properly. Upon that occasion the Lord Justice Clerk laid down the law at considerable length, and the case has become a ruling one. He says, "The general rule is, that every person placed in a situation in which his acts may affect the safety of others, must take all precautions to guard against the risk to them arising from what he is doing; preservation of the lives of others is the first duty of all men in the pursuit of their own business and calling, whatever that may be, as in the case of carters and drivers of every description, who must so act in their respective callings as to guard against danger to others. In railway cases, the importance of a correct knowledge of the law is very obvious; the danger is great, and the peculiarity is, that there is great danger not only to third parties, but particularly to those whom the railway establishments undertake to convey. The liabilities of the officer of a railway company are not to be measured by the regulations issued by the directors. Railway servants are not entitled to neglect any precaution necessary for the safety of others, whether laid down in the rules of the company or not; and if that has been omitted which common sense and ordinary reflection as to the situation of others required, which their duty to the law required for the safety of others, the guilt is clear, and is not to depend upon the character or extent or propriety of the rules issued by the company. They are not entitled to neglect any precaution which ordinary prudence and foresight ought to have recommended; moreover they are bound to know what is dangerous, and how to guard against it, and if they neglect to guard against that danger, the regulations of the company will afford them no defence. This responsibility extends from the directors themselves down to the lowest class of officers, as regards not merely the machinery, but also the working of the line. A charge of culpable homicide may lie directly against the directors of a railway company continuing to use improper engines after their state becomes known to them, as by a report by their proper officer, informing them that a particular engine is in a dangerous state, or in any other way. If, instead of condemning engines so known to be bad, they allow them to be used on the line, they may become directly responsible to the criminal law of the country. So, also, if the directors neglect any other precautions necessary for the safety of the public, after the necessity of these is known to them." Those two parties were also convicted; Paton was sentenced to be imprisoned for 12 months, and M'Nab for nine months, and in that instance also the sentence was fully carried into effect. An accident took place in 1848 on the Dundee and Perth Railway, where the case failed of conviction; but I mention it because I think it illustrates the way in which this responsibility is extended to all parties who are supposed to have neglected a duty which they had to discharge in regard to public safety. In that case there were tried, Mr. Simmie, the railway inspector, Mr. Baird, the superintendent of the Dundee and Perth Railway, and Mr. M'Lure, the civil engineer, who had had the duty of constructing the line. In that case there was great doubt from what cause the accident had happened; it was in passing over a bridge that the train ran off the line; whether this was caused by deflection of the bridge, from improper construction, or from one of the keys giving way from want of proper superintendence, or from insufficiency of the engine, did not very clearly appear; the prosecution was abandoned after going to trial, but the indictment was found relevant, showing that if those matters had been proved that were set out in the indictment a conviction would have followed. I may mention one case which bears very strongly on the general question both of the responsibility of the officials, and the regulations that ought to prevail with regard to the management of these lines. It was a case of collision which occurred at Cowlairs station, on the Edinburgh and Glasgow Railway, on the occasion, I think, of some agricultural show at Glasgow; there was a very great crowding of the line, and particularly a crowding of it by trains from the Scottish Central line; I believe three several trains came up at the same time to the Cowlairs station, and the consequence was, that the train extended beyond the danger signal post, and the last train ran into the one before it. I had the conduct of the prosecution in that case, and it turned out impossible to fix responsibility upon any one; chiefly for this reason, that the railway officials there were the servants of different companies, acting under different rules; and it was not easy to show that the Scottish Central servants had violated the rules of the Scottish Central, or that the Edinburgh and Glasgow's servants had violated the rules of the Edinburgh and Glasgow. It struck me very forcibly at the time, that the fact that that could happen was a matter

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that called for serious consideration, and that it would be very desirable that some general rules should be laid down in such cases by which the officials of all railways should be regulated. I will put in that indictment, and if it is wished, the indictment in the case that was tried the other day.*

3536. Then adverting to this case at Cowlairs, is it your opinion that there ought to be some legislative provision for so registering the persons who have the principal conduct of each particular part of the duty upon a railway, as to facilitate the proof of culpable negligence in case of an accident happening?—I think it would be most important.

3537. Suppose that at Cowlairs station it had been distinctly the duty of any particular person to superintend the traffic arrangements, would the Scotch law have attached to him the penalties of culpable negligence, if either from absence without leaving a proper deputy, or from any other reason connected with himself, the accident had occurred, without its being traced to him that he had immediate personal knowledge of the danger at the time?—Unquestionably; and I may say that in the case that was tried the other day at Edinburgh, had there been such an official at the station at Edinburgh, and he had permitted the trains to start at the times that they did, his responsibility would have been undoubted.

3538. Then stringent and effective as the Scotch law is considered to be in England, it does in your judgment still want one addition, namely, that there should be a recorded officer responsible for the safe conduct of the traffic at every particular portion of the line?—It appears to me that the whole conduct of railways requires more precise legislative regulations. I may perhaps mention a case which occurred, which did not come to trial, of a collision very like that at Cowlairs, where the duty of the policeman in charge, when a train extended beyond the signal-post, was to go back 600 yards. That was quite clear on the regulations of the company; but unfortunately at the station the company had neither a policeman nor a signal-post, consequently it was impossible to say that the officials were wrong. It struck me as a great case of neglect on the part of the directors.

3539. Would the law have enabled you to visit the directors with any penalty for not having a policeman or a signal-post there?—I may say that I considered very anxiously whether that was not a case in which the directors ought to have been made responsible; but there were difficulties, however, which I need not enter upon, in taking that course.

3540. Mr. *Bright.*] Would you recommend that at each station there should be some person registered as the responsible person, with regard to all matters connected with the traffic, and upon whom should come the penalties in case any mischief occurred; do you think it would be possible to have some person so registered and so liable?—That is putting the question in rather a different way; that is to bring by implication a responsibility on him which would not attach to him otherwise from his individual acts I think that if it came to this, that the duty imposed on him was one that he could not discharge under all circumstances, it would not be possible to make such an official responsible, unless it could be shown that he had neglected some duty which was within his instructions, and which he could personally discharge.

3541. *Chairman.*] Absence from his post without appointing a deputy?—If he is improperly absent from his post, and not on the business of the company; but that question necessarily depends upon how far the duties which it is proposed to put on this officer are such as he can personally discharge. It occurs to me that a uniform code of regulations might be adopted with very great advantage by all the lines, in regard to the more ordinary accidents which occur. I mean where a station becomes blocked up by trains unexpectedly arriving, where an engine has broken down in the middle of transit, or cases of that kind, that the duty of the officials on such occasions should be the same on all lines; and in the same way with regard to the despatch and arrival of trains at the terminal stations.

3542. Will you mention now the facts of the Portobello case which you have recently conducted, and in which a conviction followed?—I have already handed in the indictment in that case. The case was of this nature: it appears that at the station in Edinburgh, under the regulations of the North British Company, there are two officials whose duty it is to superintend the despatch of trains, one whose duty it is to despatch the goods trains, and the other the passenger trains.

* *Vide* Appendix.

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The passenger trains are advertised, but the goods trains are not advertised. It turned out that, upon that occasion, the train was despatched at 20 minutes to six, an ordinary train; a second goods train was despatched without the knowledge of the passenger superintendent, at about 14 minutes to six; the mail train ought to have been despatched at five minutes to six, but it was a few minutes late. The first train passed the Portobello station without anything occurring, but the second train stopped at Portobello, and was in the course of being shunted from one line to the other, when the mail train came up and ran into it. By that accident one man was killed. There were two indictments; one against the station-master of the Portobello station, and against the driver of the goods train, for this, that the station-master had allowed the train to be improperly on the line within the time when he ought to have had the line clear for the mail train; and the engine-driver for remaining with his train on the line, when he was bound to have carried the train off the line by the regulations of the company. They were convicted, and the station-master was sentenced to 18 months' imprisonment, and the engine-driver to four months'. The other indictment comprised the officials at the Edinburgh station; but, as I have already said, the case was not made out with regard to them, because each had discharged his own duty. There was a very serious flaw in the regulations of the company, by which it was possible to despatch one train without the knowledge of the party whose duty it was to despatch the others.

3543. Was there not some intimation held out by the Lord Justice Clerk, that if that absence of proper regulations were permitted to continue, the directors might expect to hear from the Lord Advocate?—He did make such an intimation in the strongest possible terms.

3544. Would the law of Scotland sustain an indictment against the directors by reason of the absence of those proper regulations?—I have no doubt it would; certainly it would, if there had been previous notice given, or previous warning to the directors that there was that defect in their regulations.

3545. Mr. *Bright.*] Would you say that a judge upon the bench in Scotland was capable of forming a precise opinion as to every point in the regulations of a railway company, and that an intimation from him that such a regulation was desirable would make it absolutely necessary that a company should establish it, or else bring themselves within the liability to criminal punishment?—It would depend entirely upon what the regulation was. If the regulation was one which was plainly necessary for the safety of the public, unquestionably the directors would neglect it at their peril. The statement of the judge upon the bench would make no difference with respect to their liability, except this, that they would be warned before the event happened that they did run the risk, and consequently would not have to plead what they might under other circumstances plead, that their attention had not been directed to it, and that it was a venial neglect of duty in not having observed the defect in the regulations.

3546. They would plead that not as against the law, or against the judgment or conviction, but in mitigation of punishment?—Probably; but all these cases are, and must be, to a certain extent, cases of degree.

3547. *Chairman.*] The jury would have a word to say on that subject?—To be sure they would.

3548. Mr. *Bright.*] But judges in Scotland, and juries too, who travel much by railway, get nervous when accidents happen; now unless the law is very precise, and the responsibility is very clear, and the case is one about which there cannot be the smallest doubt, as in the case of theft or a forgery, or anything of that kind, do not you think that railway officials would be liable, as you propose to have the law, to very great injustice occasionally; a man, for what some people may suppose to be neglect, and others may think one of those cases which you cannot well provide against, may have a punishment equal to a man who has forged a bill, or committed some gross crime of that nature?—It, of course, lies with the prosecutor who prosecutes the case to make out the statement in his indictment; and if the Lord Advocate brings an indictment against directors, charging them with neglect of duty by which life has been lost, he must prove the duty, as well as the culpable neglect of it. But to take as an instance the case already referred to, where the rules of the directors provide that such and such precautions shall be taken, and they do not provide in practice the means by which these precautions shall be taken, in cases like that, and similar cases, I think there can be no doubt

doubt at all that the very same kind of responsibility which attached to the station-master in the case I mentioned, would attach to the directors.

3549. Would you take the directors in bulk, or would you take them separately, or how would you distribute the responsibility?—Unquestionably there might sometimes be a difficulty in making the directors responsible from the element you mention. It would lie with the prosecutor to show that the individual directors tried were themselves responsible for the regulations, or the absence of the regulations, in question. That would vary with the case. In the case of the Portobello accident, the North British Railway appointed, I believe, a committee of works, whose business it is to see that the whole of that department is properly carried out. Now, if that committee of works, after the warning that they have had in the late accident, were to permit trains to be despatched in the same way as they were despatched on that occasion, and life was lost in consequence, I only express my own opinion, but I entertain it very confidently, that there could be no doubt at all that they would be responsible if they permitted that state of things to continue.

3550. Do you think that every one of those directors would be fairly responsible for the death of the man just as if he had stabbed him in a brawl?—I do not say that the punishment ought to be so great. Manslaughter is a crime admitting of all shades of degree, from the confines of casual homicide to those of murder. But, as I have explained, there is a second, or alternative charge, under which the cases in question falls, of "culpable neglect of duty, whereby the lives of the lieges are put in danger." In most of those cases the verdict of the jury was not a verdict of culpable homicide or manslaughter, but a verdict of guilty on the special charge of neglect of duty, to the danger or to the loss of life.

3551. But in the case of the mate of the "Orion," what was the verdict there?—It was culpable neglect of duty.

3552. Then you could really, and upon your theory you would, recommend that in a case where a jury should come to the opinion that there had been that culpable neglect, transport the whole committee having the care of the maintainence of way, or any other department of the North British Railway?—The amount of punishment is not a matter within my department, but I have no hesitation in saying that I think the directors, in the circumstances of which I now speak, having their duty plainly before them, and neglecting it with such consequences, would be very properly amenable to the same law that has been meted out to the officials in the case I have already spoken of.

3553. *Chairman.*] A cab-driver, who by his culpable neglect causes death or serious injury, is amenable to the law?—Unquestionably.

3554. Is there any tendency in Scotland to persons of rank and station, and respectability, avoiding the responsibility of railway direction in consequence of the difference of law between England and Scotland?—Hitherto I cannot say there has; certainly, I should say, not from that cause at any rate.

3555. We have been told that there is a Bill before the other House of Parliament, which contains within it this clause, that culpable negligence, tending to the risk of life, shall be in itself a crime; that is not the law in England; is it the law in Scotland?—I think the words "tending to risk" would not be sufficiently precise for us. I may mention that an indictment was tried, I think under the conduct of my learned friend the Solicitor-general, in regard to neglect in the management of a diving-bell, where the indictment bore to "the danger of the safety of the lieges." The court doubted whether, in the law of Scotland, that act amounted to an indictable offence, and they took a distinction between danger to life and danger to safety; but neglect endangering the lives of the lieges is unquestionably an indictable offence.

3556. Although no actual injury is sustained?—Although no actual injury is sustained; but I am not aware of any case having been tried where no injury was sustained, although the charge has been sustained as relevant.

3557. Mr. *Bright.*] Then if a train appeared to be running into another, and really was stopped just before it pitched into it, although there had been neglect which tended to the risk of life or safety, you would not conceive that a case in which your law would affect the directors or officers of the company?—It would necessarily be a strong case indeed to induce the Lord Advocate to prosecute that as a criminal offence; it would be a police offence.

3558. *Chairman.*] Suppose a particular company permitted its permanent way

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way to be in a notoriously insecure state, and its engines to be in a state notoriously unfit for the conduct of traffic, and evidence of both these facts were laid before the Lord Advocate, would he hold himself justified in instituting a prosecution before any catastrophe occurred?—I think the course which would be followed there would be that the Lord Advocate would intimate to the directors the information which he had had with regard to the state of the line, and call their attention to it. If that intimation were neglected, I cannot say that I am aware of any case where actual prosecution was instituted without some result happening, I am not prepared to say that such an indictment would be irrelevant; at the same time, I do not think it likely that the prosecution would be instituted under such circumstances.

3559. Because the caution would be sufficient to induce them to take measures?—It would necessarily be so.

3560. Is there any general feeling in Scotland that the law is too severe?—Quite the reverse.

3561. Mr. *Bright.*] Does that answer refer to the travelling public, or to the directors, and officials, and shareholders of railways?—I do not think two verdicts ever gave greater satisfaction to the public than the verdict in the case of the "Orion," and in the late case that was tried as to the accident at Portobello; although there was great sympathy for the parties convicted, I think it unquestionably was highly satisfactory to the community.

3562. Is it your opinion that the satisfaction of the public with a verdict in cases of that kind is any proof that the verdict is a sound one, or the law as applied to such cases is just, for when there is considerable alarm, the public is more apt perhaps to run into a panic than any other creature in existence?—No; you asked me as to the feeling of the community, and my answer was directed to that question. I can quite conceive verdicts which might be very satisfactory, and yet unjust.

3563. *Chairman.*] Do you think the dissatisfaction, either of those who were found guilty, or those who were in similar predicaments as to negligence, would be any particular condemnation of the law?—I should think certainly not. It appears to me, if I might venture to make the suggestion, that provisions by the regulations of the company itself for dealing very strictly with deviation from their rules which did not produce accident, would tend very much indeed to increase the safety of the public.

3564. The efficacy of the law of Scotland very much depends on the responsibility which belongs to the office which you hold for the carrying that law into execution?—I think that it would be much more easy to work that law satisfactorily, if the responsibility of bringing the case to trial and not bringing the case to trial devolved upon a public officer.

3565. If you could possess yourself thoroughly with a system that begins with the coroner's inquest, and went on through the different stages that a case of this kind goes through in England, you would not expect it to be efficacious?—I should think not.

3566. Have you heard in Scotland comparisons between the efficacy of the two systems frequently made?—Yes.

3567. Is there any desire on the part of Scotland, do you think, to abolish the office of Lord Advocate, and institute coroners' inquests and grand juries in lieu of it?—I should say, though of course naturally partial to my own system, that from anything I know of Scotland, there is no such desire; very much the reverse.

Veneris, 29° *die Aprilis*, 1853.

MEMBERS PRESENT.

Mr. Cardwell.	Mr. Henley.
Mr. E. Denison.	Mr. M. Milnes.
Mr. W. Patten.	Mr. Strutt.
Mr. Bright.	

THE RIGHT HON. EDWARD CARDWELL, IN THE CHAIR.

Captain *John Milligen Laws*, called in; and Examined.

3568. *Chairman.*] WHAT situation do you hold in the Lancashire and Yorkshire Railway?—General Manager.

3569. Are you also a member of a committee which has had under its consideration the applicability to railways generally of a communication by means of a string and a bell, between the guard and the driver?—Yes.

3570. Can you state what progress has been made, up to this time, in effecting that arrangement?—The locomotive superintendent of the Great Northern, Mr. Sturrock, who had devoted a good deal of attention to this matter, produced what was agreed upon as the best bell, it having previously been thought that the use of the whistle would not answer so well as the bell, from its frequent necessity of warning in front of the train; and the committee came to the resolution of authorizing Mr. Sturrock and Mr. Wright, the carriage superintendent of the London and North Western, to prepare, not a mere plan or a model, but the thing itself, and procure tenders from competent persons to furnish every railway company in the clearing house with such number of the apparatus as the company required. Those preparations are now proceeding as rapidly as I believe they can be.

3571. Then, in short, the Committee may understand that, so far as regards the great companies to which that association belongs, the object of a regular communication between one end of the train and the other, by means of a bell, has been attained?—I think so: we have nearly all tried it, without reference to which would produce the best bell; but we have tried it in our own way, and after examining all the plans which were proposed, we thought that the simple and the practicable one was this of a line and a bell, and the bell to be made to attach and detach to the tender, by the side of the engine-driver; the bell approved gives a very powerful sound.

3572. Mr. *M. Milnes.*] Do you expect the prevention of many accidents from this discovery?—I think not; the circumstances that bring it into action are not very frequent; but still I think it is certainly one deserving of every trial and attention.

3573. Do you think that its general importance as a preventive may have been somewhat exaggerated?—I think it has; when one looks at the number of accidents that have arisen from any defect in the rear of the train, they are few; but still if we can avert one in a million, the thing itself is worth having; and I think it will be found more valuable in starting a train than when a train is in motion. If you say that a train must now be started by the guard, instead of the station-master, and he pulls the bell, and the train starts on, it is a security against any person being injured by being in a position of hazard on the platform.

3574. If the guard is to start a train when he is shut up in a box in the end of the train, how can you be certain that he is aware of there being any impediment?—He need not do that; he can do it at any part of the train; he can take hold of the line, and pull it as you pull a bell, at any part of the train; I should never allow him to start in the box; when he is all ready he will pull the bell.

3575. Do you approve of having a box at the back of the train, where he can, as it were, shut himself up, if he is in such a position as to have a command over the

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the line?—The guard certainly ought to be in the last carriage, for many reasons.

3576. *Chairman.*] Is it desirable that he should be placed in one of those elevated boxes, with windows?—He has the advantage of seeing over the whole train by that, better I think than in any other position.

3577. Mr. *Bright.*] Why would it not do for the guard who is in the last carriage, to have a large handbell; do you suppose from the speed, and the effect of the wind, or occasionally from the violence of storms, that it would be impossible to make the driver hear?—Quite impossible.

3578. Has that been tried?—Yes; I have tried it myself, by firing a musket from an engine behind, and the driver could not hear it. I have been frequently wishing to stop a train by sounding the whistle of a pilot engine in the rear, and the engine-man did not hear it.

3579. Mr. *E. Denison.*] Was that from the current of the air?—That was from the current of the air passing so rapidly. All those points were well considered.

3580. *Chairman.*] Will you give the opinion that your experience has led you to form on the subject of railway amalgamation?—As far as my experience enables me to judge, and I have been connected with railways that have been amalgamated with others and neighbouring lines from the commencement of the system, it goes to show that the public have derived vast advantages from the amalgamations; but it is extremely questionable in my mind whether the railway interest has derived any advantage.

3581. What are the advantages which in your opinion the public have derived?—The public have derived an almost universal reduction of rates; an almost universal extended system of booking passengers and clearing goods through at these reduced rates. Where lines approach the terminus of each other, all the facilities of goods or passengers going four miles on one line, to a shorter or longer distance on the other, the fares are all blended into one at a reduced rate; whereas the common system was to charge six miles for any distance under six miles, and unless the goods came a reasonable distance on the line to which they were declared, you would not take them at all, as the two distances would not pay either company; whereas when the interest is blended it does pay.

3582. Are you doubtful whether the railway shareholders have derived any advantage?—I think the large companies have most decidedly been seriously injured by the system of amalgamation, where they have been connected with a number of small companies.

3583. Mr. *Bright.*] Do you think there is any evil unavoidable in amalgamations, or that the amalgamations have been done upon improper calculations or unadvisedly?—No loss to the public; but upon a system of jobbery, which ought never to have been permitted, if you pay 100 per cent. premium, or 112 per cent. premium for a line that never paid 3 per cent. on its own earnings, whatever the object was, if that large premium was taken from the larger company by the smaller, there certainly was nothing like equity in the arrangement; and the system of amalgamation has been very much blended with circumstances of the character I have described.

3584. You conclude, that in the great number of cases, one of the parties to the amalgamation has made a bad bargain?—Yes; and almost without any exception, I think, the larger party has made a bad bargain, fearing that the smaller party might divert a part of its traffic, and amalgamate with some other larger company.

3585. Mr. *E. Denison.*] But as far as the principle goes of uniting the interest and uniting the management, if that had been done upon perfectly equitable terms, would not that union of management and identity of interest, through certain schemes of railway that might have been made, be at once useful to the public and not injurious to the shareholders?—Unquestionably so; of course what I am now describing as the effect of the railway system has had no detrimental effect upon the public; the public has had all the advantage which it could have, but the advantage has been paid for by the railway system, and particularly the larger companies.

3586. Do you think the principle of amalgamation a useful principle both for the public and the railways, if it were carried into effect upon fair terms?—I have not the least question about it in my own mind; I am perfectly satisfied that the public are benefited very much by an extended system of amalgamation.

3587. *Chairman.*] That is true so far as it extends to the union of all railways

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in one country?—I think where the Legislature has to deal with any interest, the fewer parties there are, the more powerful will the pressure which the Legislature chooses to bring upon them operate.

3588. Do you think that if the whole railway interest were combined into one it would be more necessary for the Executive Government, or Parliament, to accede to their plan than it is now, when they are divided and sometimes hostile to each other?—Unquestionably; and the safety of the working very materially advances the larger the amalgamation; I do not say it is necessary to go all into one, but you may try the principle; I should not object to it even to that extent.

3589. Now, as regards the amalgamation of railways and canals, what do you say to that?—I do not know that there is any great advantage or disadvantage to the public in the amalgamation of railways and canals as they now exist; the canal proprietors, like the smaller railways, whenever they have amalgamated with the larger interests, have been well remunerated, and the result has always been that the tariff of the canal is cut down to the very lowest figure by the amalgamation.

3590. Then you look upon it that the canals have exercised their powers to obtain good terms for themselves as respects the shareholders, and that the best provision has been made that Parliament can make to secure cheap canal conveyance, or the cheapest?—I think Parliament has done that, so as to leave hardly any apprehension of a canal, if it were independent, doing more than now. The toll on a canal, wherever an amalgamation has taken place, has been cut down from what it originally was; for example, from 75 per cent. to 50.

3591. Mr. *Bright.*] Were the tolls thus cut down with any special object; was it to prevent the railway company from raising them on a particular line of canal so as to injure any other canal running in connexion with it?—I think it was done with this view; I will take those that I have in my own knowledge; for instance, the Huddersfield canal was a narrow canal, and had very high tolls, and was a very costly one to make, with a tunnel three miles long. Mr. Kenworthy has worked that canal both before and since the railways took it; I know the whole circumstances about it. Mr. Kenworthy works that canal now in opposition to the railway which I represent, as well as to the London and North-Western, and his tolls are lowered to the smallest amount. How can a penny a ton pay upon a canal which hardly ever paid a dividend with a very much higher tariff, and greater traffic? He now takes goods to Liverpool, and, I think, to Huddersfield by the canal, for about 12*s.* a ton, the railway company charging considerably more; but still he can hardly live by his boats, although he has a very extended connexion, and is one of the most respectable and extensive carriers in the kingdom.

3592. What is the reason of that?—The advantage of having goods delivered together. For instance, a man in a large business at a Huddersfield is sending goods to almost every part of the kingdom, and receiving goods from many parts; he does not want to have half-a-dozen accounts with half-a-dozen carriers; he goes to a carrier who can do his business everywhere, whether he wants him to go to Glasgow, to Manchester, to Liverpool, to Hull, or to London, or anywhere else the railways can take them to.

3593. Mr. *E. Denison.*] You have said that in these amalgamations of railways and canals, that the canals have been cut down in their fares to the lowest figure; now, it has been stated in evidence that when a canal is in the power of a railway, that they have various means of charging; for instance, a high rate for the passage through this canal, and wharfage and back tolls, and various things, causing the boatmen to pay the money whenever they pass through in the middle of the night, and various means of annoyance of that sort, which are in the hands of the proprietors of the canal, and that those persons who wish to work the canal have been subjected to very great inconvenience and detriment in their business; have you seen the evidence which has been given upon those points?—No, I have not; I was not aware that any evidence had been given. I merely mentioned the Huddersfield canal, because it comes under my daily notice. These wharfages all existed before; and with regard to the Huddersfield canal, I hardly think there is a wharf upon it. Any person can take a private wharf; any landowner can make a wharf upon the banks of the canal in any direction, and appoint a wharfinger.

3594. The question went to this: the persons who wish to work the canal state that they are subjected to great inconvenience in their business in certain cases, where these canals are in the hands of railway companies, who wish to divert the traffic

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traffic rather to the railway than to the canal. Now they say that the lowering of the tolls is not a sufficient security. Should you see any objection to there being powers vested in some central board, who might arbitrate in cases of difference which should arise between railways and canals, or between conflicting railways?—I cannot answer that question very directly, but I can confidently say this, if you give me 24 hours, or a few days, I can prove all that has been represented in that evidence to be nonsense. The object is altogether foreign from the canal. The motive of Messrs. Kenworthy & Co. is to force themselves to be taken on as carriers by a particular railway, being themselves agents and carriers for an extended canal interest, to the west of the Huddersfield Canal; that is their object.

3595. Without reference to the particular evidence you have given, your opinion is in favour generally of the amalgamation of railways?—Yes.

3596. Do you think it would be possible that amalgamations upon a large scale should be permitted without there being some central authority as a means of settling differences that may arise either between different railways, or between railways and members of the public; how would you propose that these things should be carried on?—That is an exceedingly difficult thing; I cannot make any discrimination between the trade of the carrier and the trade of a corn-miller, or the trade of anybody else. The turnpike road is open to them, and the canal is open, upon paying the lowest toll that can be levied to keep the canal in a navigable condition.

3597. That question did not refer to the differences about carriers, but rather going back to the main matter about amalgamations; if amalgamations were to be permitted universally through a district, would not that have a very strong tendency to create a monopoly of power in that district?—I do not know; the tariff is very low, and the means of competing for goods are very great by a canal, on either a long or short distance, and by the high road on the latter.

3598. Now, up to this time it has been assumed as a principle, whether rightly or wrongly, that competition has been a sort of control against excessive railway power, has it not?—I think it is more powerful now than ever it was.

3599. Which is more powerful?—The competition against railways, where they are amalgamated. The competition at the present moment is as powerful and as effective as ever it was; much more than it was before railways were so completely amalgamated.

3600. It has been given in evidence that in the neighbourhood of Manchester and Liverpool, the great railway companies and the canal companies are all under a system of agreements?—So they must be. As a railway manager, I should be exceedingly glad to get rid of the canals, and to have nothing to do with them. I should be glad if I could say to-morrow, "Now, gentlemen, you are all on your former footing; go and do the best you can without bringing any claim upon us more than we have by such conventional agreements as we have entered into."

3601. But if you are all under agreement, you cannot say that competition is as active as it was when you were running violently against each other at the extremely low fares which both railways and canals have been running at?—No; that was evidently a state of things which we could not sustain. We were each of us placing ourselves in a false position. I look upon it that the labour or the services which are to be bought by the public, either from a canal or a railway, must come precisely to the same conventional agreement as cattle. At Smithfield market I send my cattle; and some one or other fixes a price upon them; we all get about the same price for our cattle and sheep at Smithfield. The same thing with regard to cotton. I write to Liverpool; I want to buy cotton; and I should be very much astonished at my broker if he paid more than the market price of the day. There is a conventional agreement in every one of these operations of trade, as well with the carriers as any other tradesmen.

3602. Now, the state of the case is this, that competition has practically brought you to a system of agreements?—Yes, it has brought us now into exactly the same position that all other operations in trade are governed by.

3603. How do you reconcile that with the statement you made that competition is more severe than it ever has been?—Because the canals have adopted means of cheapening their transit by one-half what they charged when there was merely a canal against a canal, and that enables them to carry lower. They have adopted appliances in various ways to cheapen their means of working, and so much as they cheapen, so much more will it come to a fight, and they compete with

with us. That is the only point that I am aware of, but that is a very powerful one.

3604. But if Parliament were to grant amalgamations throughout the district for Lancashire and the West Riding of Yorkshire, when all the great railway powers in that part of the country were in union, would it not be very difficult indeed for new companies to create new lines in the way of competition?—It is a question if there is a good opening for a new line, and if the funds of the country could be beneficially invested in any direction. I do not think the older companies would require much invitation to avail themselves of such a circumstance. The new line would not affect the object in the slightest degree. The new line, when it was made, would have to come into an agreement, whether amalgamated or not. They could not live without it, nor would they try to live without it. They would fall into it; they would make an agreement with the existing company.

3605. But surely an amalgamation, and a union of interests, would make it less easy for new and independent lines to start up, than they have found it to be in late times?—No doubt; but I think the public are now so much alive to the wasteful folly that has already taken place in the construction of railways, that they want a great deal of inducement to find money to make new lines, unless it was a line to be sold to one or other of the existing parties.

3606. What do you consider would be necessary, both for the railway companies and the public, if Parliament were to grant these large amalgamations, for the railway interest to give in exchange for the power of effecting these great amalgamations?—I think they ought to give a public department the authority of calling on them to make a railway, wherever a good case for its necessity existed, in preference to any new company.

3607. That is one power?—That is one power; and in the event of their declining to raise the funds to do so, then any independent party should come in and do it if they pleased; and the only thing I should ask would be that I should have the preference to make or decline it; I should ask no other protection than that.

3608. Would you propose that this Board, to whom you would give such large authority, should have authority also to settle matters in difference, such as how the public should be served at junction points of railways, and so on?—I should not object to it, because I can hardly imagine that any one saddled with the responsibility of such an arbitration would do otherwise than exercise the best of his judgment to do what was right.

3609. *Chairman.*] Then, suppose it were the policy of Parliament to discourage what are called running clauses, would it be right and proper that Parliament should make provision for the exercise of stringent powers on behalf of the travelling public, and in respect of goods, as well as of passengers, for the purpose of securing the transit, both by the shortest and cheapest route, from one line to another?—I should be very willing to put that in arbitration; and I believe there is no one subject connected with railways that is so much misrepresented and misunderstood at every point.

3610. Then if there were a power of instituting arbitrations where there was a real grievance, it would remove the possibility of misrepresentation in cases where there is no such grievance?—Yes.

3611. To that extent it would be a relief to the managers of railways, who are now, in your judgment, exposed to obloquy and misrepresentation?—Quite so. I think it would be the happiest thing that could happen to every railway which intended to do right; I could give several cases on my own line where very considerable misrepresentations have been made, and have been acted upon and authorized by Parliament. In the case of the Lancashire and Yorkshire Railway, they run east and west. I have got a little diagram of this line, running from Fleetwood and Liverpool to Normanton and Goole. At Manchester we are joined by the London and North-Western, at Knottingley, and at Askern we are joined by the Great Northern.

3612. Do you not go down to Goole?—Yes.

3613. From Fleetwood to Goole?—From Fleetwood to Goole is the extreme length; our trade lies between the ports, and the densely populated manufacturing districts that we intersect; and we have of course a very considerable traffic with London. Now, the Great Northern has power to run over about 25 miles of our line, and they make their own rates; they may make whatever rates they

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they please; if they make a 3*s.* rate for the 25 miles, we have 2*s.* and they have 1*s.*; and that 1*s.* is ample for the mere transit expenses of locomotive power and carriages; it still leaves them a profit; that is, if they carry at an ordinary rate; but to open the full power of competition, if they are satisfied with 3*d.* on the 20 miles for a ton of goods, we have no complaint to make. The London and North Western competes with them in another way, or rather are working into us in another direction, by their own line intersecting us. Now, the great misrepresentation or misunderstanding that has arisen here is this: we say that we cannot be driven into a conflict between the London and North Western and the Great Northern, we must charge you from any point on our own line to any other point on our own line the same as we charge the public; we give you full power to come 20 miles into our district at any price you like; but if you were to make us carry goods from Wakefield, we will assume to Rochdale, at the same rate per mile as you are carrying, for an object totally foreign to that of paying your shareholders, but think to do so bye-and-bye by better terms, we cannot be driven into that conflict. We give you the fullest power to run into our district to Wakefield, but if you ask us to take it from Wakefield to any other place where you are in conflict, we cannot do it; we must charge you our local rate; but if you choose to make any other rate from places where you are charging your ordinary and moderate rates, we will take it for you, but not to open a conflict, because we should be working a line at fares which would not pay us ordinary expenses.

3614. Instances have been mentioned to the Committee where it is alleged that a district of country suffers very much from its being the interest of the particular railway companies, when the lines are in their neighbourhood, not to give the greatest facility for travelling over the shortest route, carrying goods and passengers by a circuit, increasing the mileage, for instance, or in some other way which serves the particular interest of the company; do you think it would be right that Parliament, by any general legislation, should reserve powers for securing to the inhabitants of any district the greatest facility, and the greatest amount of reasonable economy, in passing by the shortest route from one point to another?—There are difficulties even in that; we have an arrangement now with the East Lancashire Company, and if you will permit me, I will draw your attention to the route by the chart. From Preston the East Lancashire Company's line goes considerably to the north of our line; it touches us at Burnley; you will see it is a very short line comparatively from Preston to Burnley, from what it is round by Rochdale to Burnley, or round by Rochdale to Todmorden; but we have an arrangement with the East Lancashire to transfer all that traffic to them, and to go by the shortest route to Burnley, Yorkshire; but the fact is, we cannot work it along the route owing to the great detention at the Preston and the Bolton stations, and the severe gradients which it has to go over in the shorter route; we are really obliged to carry traffic by the longest route, but the longest route is the quickest and cheapest route.

3615. Mr. *Bright.*] What is the distance between the stations at Preston and Burnley?—The whole distance from Preston to Burnley is about 18 miles; one is 18 miles and the other is 27 miles.

3616. That is, 27 round?—Yes, or 28.

3617. How is it 27; where do you go to from Preston?—We go from Preston to Bolton, and Rochdale and Todmorden, or by Burnley and Todmorden; the distance into Yorkshire is almost as straight a line as you can take by Burnley.

3618. You are not speaking of passengers who stop at Burnley, but passengers who go into Yorkshire?—Yes, and goods.

3619. *Chairman.*] Then in this case there is no sufficient interest on the part of the East Lancashire Company to induce them to fit their trains at Preston and run them in exact conformity with your trains?—They do; they have made every arrangement to carry this out as far as they can, but owing to the severity of the gradients, and the difficulty of working through the Preston station, it is not easy to accomplish. The communication between their station and ours at Preston is highly important, and we have every desire to promote its traffic through, for we lose by it if we take it round, inasmuch as we have to pay a toll; but we have now nearly all the Irish traffic which requires to get to Bradford and Leeds, and we are obliged to send it round by the old route, because we cannot get it over these severe gradients, and get it into communication with the Preston and Todmorden stations in time, or so punctually as by the longer route.

3620. This

3620. This would appear to be, as you represent it, a case where, from physical circumstances, though one route is geographically shorter, the other may be said to be practically the shorter?—Yes.

3621. Suppose a case where it is not so, but where the travelling public have an interest in going on one line, and the railway company have a different interest, an interest in carrying them by a different line; would you think it reasonable that Parliament should reserve a strong power for the purpose of securing to the public the right of being carried by the shortest route?—By whichever they like; I would not say either the one or the other. We try to get them by the Burnley route, because it does not suit us to take them by the more circuitous route, but they often prefer the longer line.

3622. Then you would consider it no infringement of the vested interests of railways to require that the right which the public demands of going whichever way they like, should be made a practical right, through the medium of some sort of arbitration?—Some sort of arbitration; I consider the arbitrator would take all circumstances into account. Every facility that could be given to the public ought to be given; but whenever you come to work these matters out, you will find that nothing but an arbitration will answer, because there are different circumstances at every different point. Say a man lives 10 miles out of London, at a station, taking an annual ticket; if there are only four trains a day which stop at that station, he would rather go to a station 20 miles further where every train stops, and by which he may get quicker into London, and where he has more opportunity of using his ticket; and in every way it is more acceptable. Similar circumstances to that will arise, which I do not believe any legislation or any arrangement but that of an arbitration will satisfy, where the whole of the particulars are taken into consideration.

3623. Do you apprehend that if there were a provision for appointing arbitrators there would be any practical difficulty in obtaining, in most cases, the concurrence of the complaining party and of the party complained against, to refer it to some arbitrator to decide the dispute between them?—We have never found any. I have had to do with a great many arrangements, and I do not know that it hardly ever went to an arbitration; we have made our arrangements without an arbitration. If there was anything we could not settle, we referred it; but very rarely have we taken it to arbitration. I have no hesitation in saying we could generally settle it without an arbitration.

3624. You have spoken of the powers which are given to the London and North Western upon the Lancashire and Yorkshire; is a similar power given to the Great Northern for the interchange of the traffic with populous parts of your system, as that which you have described as being given to the London and North Western?—The Great Northern can book through to every place on our line up to Rochdale. If we take it west of Rochdale, we come into conflict with another line, which is a considerably shorter line than ours. The Great Northern has been offended with us, because we will not give them a competing line, which we are in no way interested in. The Great Northern have running powers to Sheffield. We say that in this division of traffic, it does not suit us to drag your traffic round over our high gradient for a greater amount of mileage. There is a much shorter route by Sheffield, and you can run your traffic there; but any traffic which you can legitimately claim for us or our line north of Huntingdon, we will mile it with you; that is, divide your distance *pro rata*.

3625. You say there is a difference between you; is that a kind of difference that you would have any objection to be obliged to refer to arbitration?—Not in the slightest degree; on the contrary, I should prefer it.

3626. In cases where the distance is shorter by the Great Northern, do you allow the booking through goods and passengers?—I am not quite sure whether we do everywhere; but the turning point must be some distance; probably, west of Wakefield. We do not book through to London at Wakefield; they do as they like.

3627. That is, they have the Parliamentary power?—No; they have no Parliamentary power. It is by agreement. They have no Parliamentary power to run over the Lancashire and Yorkshire line, except by our own consent and suggestion; they have Parliamentary power to run between two stations at Wakefield, and that is all. They run about 19 miles on our line, where no other train runs. We do not run our own trains from Askern to Methley; we do not run our own trains; by agreement they carry our traffic.

3628. Is your confidence so great in the justice of the spirit by which your

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management is directed, that you would have no difficulty at all in referring all these matters which have been matters of difference with the Great Northern, to such an arbitration as that which has been spoken of?—None at all. In fact, since the management has changed from legal opinions to practical opinions, I do not think there has been any difficulty or differences.

3629. Mr. *M. Milnes.*] Have you found any difficulty in the voluntary combinations you have made with other lines?—No, I do not remember that we have; we have voluntary combinations with almost every one we touch.

3630. Perhaps more combinations than any other system in the kingdom?—I think so; I think we must have necessarily so, from the net work that we form through the manufacturing districts.

3631. Are there any advantages that you think on the one side, the public, or on the other, the railroad interest, would gain by a system of permitting amalgamations rather than voluntary combinations?—I think there are, most decidedly.

3632. Will you give an illustration of that?—We will imagine that the York, Newcastle, and Berwick, and the York and North Midland, and the Leeds Northern, had procured the Act of Parliament which they are applying for in this Session; if that amalgamation had gone on, it would, I should imagine, as a natural consequence, have caused the Great Northern next year to come up and amalgamate with the three companies; and to have embraced in that amalgamation the North British. They would have had one line between Edinburgh and London, and I cannot for one moment suppose that anything but public advantage would have arisen; and even the railway interest would have been generally advanced there, inasmuch as the relative value of the four amalgamated companies is now so well understood, that there could not have been much coquetting and trying to sell or buy with any other company; for a useful amalgamation you must have that, or you will have none that is equitable.

3633. Is it not an unnatural state of things that so continuous a line as that between Doncaster and Knottingley should be in the hands of two different companies?—You must stop somewhere; you might just as well say, where is it to stop?

3634. But in that case do you not stop at a place which is neither a junction nor a place of any importance, but an accidental station?—Do you allude to Knottingley?

3635. Askern?—No traveller can tell whether it is one or more; if the junction is an imaginary line, which so far as the public is concerned this is, as no one can tell except those who own it; for the Great Northern do exactly as they like for 20 miles north of Askern, and never stop unless they wish to do so.

3636. Therefore is that distance sufficient for the public service?—Quite; as far as combination goes, the public would neither be benefited nor otherwise by the amalgamation with the Great Northern. The Great Northern make their own fares; they charge whatever they like from Doncaster to Wakefield.

3637. Would not amalgamation lead to the construction of a more commodious station at Kottingley?—That is now doing; the Great Northern has let it; I learned from Mr. Clarke to-day that the contract is let, to enlarge that station.

3638. *Chairman.*] Would the advantages which you think result from amalgamation be equally secured, if working arrangements were made and sanctioned by some person habituated to looking at arrangements, so as to guard the public against inconvenience, and substituted in lieu of actual Parliamentary amalgamations?—No; I do not think anything would make it so complete, or so advantageous to the public as a thorough amalgamation. Now, there is another very important point with the Great Northern; the Great Northern is a line that will provide London with a large portion of coals; the Great Northern is now bringing those coals principally from the county of Durham; they have to pass over two railway interests to reach the Great Northern. The Great Northern cannot give such facilities to the northern coals proceeding as they can to the South Yorkshire coals; but if there was one amalgamation it would do so. The Great Northern would do its best to open the northern coals by railway to London, and leave the coalowners in South Yorkshire to compete with them. The South Yorkshire coalowner fixes his price according to what the Great Northern is obliged to pay for the transit of coals further north by 90 miles (Durham coal-field).

3639. Mr. *M. Milnes.*] Do you see any means of lessening the great annoyance of all the coal traffic coming up to London, and leaving intermediate stations more destitute of accommodation with regard to coals than even they were before any railway

railway was made?—That arises entirely from what I was just saying; the difficulty of getting the coal, no doubt, is the cause of that being so; but I think it is a mistake to suppose they are more destitute. I recollect very well coals 42*s.* a ton at Bedford, and all that district, which I am perfectly familiar with, from being connected with the Great Northern as their managing director when it was under construction; and now I can get coals at something like London prices there.

3640. Mr. *Bright.*] Have you read Captain Simmons' evidence before this Committee?—Yes, I have.

3641. Did you read what he said with regard to the accident at Chorley?—Yes, I did.

3642. Have you read Captain Galton's report to the Board of Trade with regard to that accident?—Yes, I have; it was referred to me by my Board; I was called on to report to them upon it.

3643. Had they a copy of Captain Galton's report?—Yes.

3644. And then they called upon you to report upon that?—They did.

3645. Have you that report here?—Yes, I have. *Vide* Appendix.

3646. What is your opinion about Captain Galton's report; if you were a director of your company, would you feel yourself justified in adopting the recommendation of that report?—I should probably explain that better by having my report upon it read.

3647. Can you state briefly what are the points on which you differ from Captain Galton with regard to the accident?—Captain Galton considers, or introduces into his report, that there are only three modes of avoiding a similar accident, and Captain Galton attributes that accident to a very different circumstance to what I do; Captain Galton seems to acquit the engineman of the passenger-train of any blame; I do not, at all. As soon as I heard a report of it, I remarked that the driver of the passenger-train here could not have been keeping a look-out. In my examination of him he almost admitted that; I asked him, "Were you looking out for the cattle train?" "Well," he says, "I was not thinking particularly about the cattle train." While Captain Galton and myself were on the ground, with all the attendance of witnesses, I did not like to bias his opinion in any way; but when he asked me what I thought would be the best way of averting this in future, "Well," I said, "I do not know; I think I have a very different opinion to you as to the cause of this accident." I have no doubt whatever that the cause of this accident was a negligence first on the part of the engine-driver and guard of the cattle train, in not putting the protective signals on, and secondly, the engine-driver of the passenger-train in being before time, and not keeping a look-out and shutting his steam off, which he had ample time to do, to avoid a collision.

3648. Did Captain Galton and you differ in opinion as to the fact, whether the driver of the passenger-train had time, after he passed the tunnel, for stopping his train?—Captain Galton did not give me any opinion of his; he had not made his report; he did not express any opinion of the cause, whatever his opinion might be.

3649. Have you made the experiment by unexpectedly stopping a train coming through the tunnel, to see whether it would stop before it arrived at the passenger-train?—This plan which is introduced into the Appendix of Captain Galton's report is one that was furnished him. While we were on the ground and walking back to the Chorley station, to get into a train from Preston, in the afternoon, we were rather nearer to the time it was due than we imagined; and we heard the train coming. We got on to the bank, and when we saw the train make its appearance through the bridge (the spot at which it appeared they saw the cattle train), without any knowledge on the part of the driver of the train or guard, we waved our hands in the ordinary way to stop the train. The driver shut off his steam, and the guard put on his break, and he pulled his train up short of the point where the collision took place.

3650. Do you conclude that the only cause of the accident was that the driver of the passenger-train did not keep a look-out, and therefore, did not see the cattle-train, and did not take the ordinary precaution to stop his train?—He did not so quickly as he ought to have done.

3651. *Chairman.*] What was the state of the atmosphere?—The state of the atmosphere was very much the same in both instances. I am perfectly satisfied you can stop a train there at any time in that distance, under the circumstances which I have stated.

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3652. Mr. *Henley.*] What was the size of the train?—I think one was five carriages and a break, and the other was six carriages and a break; but the inclination and the curve are such that I have no doubt you may stop a train there going at 30 miles an hour, at any time, short of the point of collision.

3653. Which was the train which had the six carriages?—The one we stopped.

3654. That was the heavier train of the two?—That was the heavier train of the two; there was no reversal of the engine; our engineman saw what we wanted directly; he just shut off his steam, and put the carriage-break on, and the tender-break was not put on for half the way nearly of his coming on to us.

3655. Mr. *Bright.*] What was the proposition which Captain Galton made with a view of preventing an accident here in future?—Captain Galton said that there were only three modes of averting this accident in future; first, an electric telegraph from Chorley to Euxton, and to stop every train at Euxton until the preceding one had reached Chorley.

3656. So as never to have more than one train on the line at once?—Yes.

3657. What was the second?—The second was a signal to caution any train passing within 10 minutes of the preceding one; and the third was to hook a pilot engine on in front, which would have the advantage of assisting a heavy train, on the ascending incline to Chorley.

3658. Do you believe that the adoption of either of those three modes, or all of them, would be effectual for safety, or that they would in any degree have influenced that particular accident?—I cannot say; if there had been a signal-man at the entrance to the tunnel he might have done it; but the tunnel is only a few yards long, about £6; with reference to the telegraph, we find that any isolated telegraph is very little to be relied upon.

3659. Is that on account of the want of practice in the working?—It is on account of the want of practice in the working, and very often the telegraph is interrupted by a thunder-storm; but when it is not in constant use, and there is not a man who understands it, it is frequently getting out of order, and if we send another man he makes no better of it; the telegraph is not a thing that I dare rely upon in such a position.

3660. Now with regard to the pilot engine?—As regards the pilot engine, I look upon it as one of the most dangerous things you can apply; you stop a train when you hook it on; you must stop it when you hook it off; if you do not you run very great risk. The pilot engine would necessarily have to cross both lines, and descend the incline, thereby creating the same obstruction to the line that another train would be. The effect of a pilot engine so employed would be to double the number of trains, on any part of the line where it was used, with the risk of crossing the two lines at each end every train.

3661. Now, suppose the directors being of opinion that that engine-driver had been guilty of gross neglect, had proceeded to prosecute him criminally for his neglect, would not the engine-driver have been able to have brought forward Captain Galton and his report on his behalf, and in his defence?—No doubt of it. Captain Galton, in his report, says that the engineman certainly appeared to have been running before his time; but a few minutes difference in watches might account for that, and therefore he acquits him of any blame.

3662. Did you not observe in Captain Simmons's evidence a strong observation, that on your line your enginemen, and guards, and officers of one kind and another, to a considerable number, had no watches with them?—Yes.

3663. How do you explain that?—The evidence will show that these men had watches with them; that the engineman of the cattle train took his watch out and told the guard what o'clock it was, one minute before the collision, and observed to him that "We shall just do it."

3664. How do you explain this discrepancy between that statement and the statement of Captain Simmons?—I do not know whether Captain Galton seemed to rest on one guard who was in the cattle train. There were two guards in the train; one was on the engine assisting to sand the rails, to get it up the incline.

3665. *Chairman.*] Is this the passage to which you refer, "The guard sent with the cattle train in question was not provided with a watch"?—Yes, the man in the hind part of the train was not provided with a watch, nor would it have been of any use to him if he had been.

3666. Mr. *Laffan.*] Are there two guards to all cattle trains?—Not to all.

3667. Were

3667. Were there two to this one?—There were two.

3668. *Chairman.*] What you are now referring to is the last paragraph but one in Captain Galton's report, in which he says, "The guard sent with the cattle train in question was not provided with a watch, and hence would have been unable to comply with this regulation;" that is in page 217 of the Third Report of this Committee; now was that guard provided with a watch?—There were two guards; Parker and John Ouston; Parker had no watch.

3669. *Chairman.*] Is it not admitted that the guard, Parker, had no watch?—He was an extra guard, and he had no watch. My report is taken from evidence I took myself; it is not taken from Captain Galton's evidence at all; my evidence was taken the day after the accident. Page 116 is Captain Simmons' evidence, and 216 is Captain Galton's report.

3670. Mr. *Bright.*] Captain Simmons says, in answer to question 2544, which was by Captain Laffan, "The Board of Trade directed a remonstrance to be made to them on the 13th of November last, in which they pointed out the very great responsibility which would rest on them from the continued absence of time-pieces on the railway, by which the servants of the company might regulate their proceedings." And then he goes on to say "They forwarded, at the same time, a copy of the report of Captain Laffan, in which it is stated, 'At the Lostock junction there was no clock, and the pointsman had no watch; and it was, therefore, clearly useless to publish rules for the working of that junction directing that no train should follow another at a less distance than five minutes, and that a caution signal should be shown for five minutes more. The pointsman had no means of estimating the interval of time; and among all the servants of the company present with the seven trains that were detained at the junction on the 23d of August, I could only find one who had a watch with him, or who could give me even a moderately accurate estimate of the time. One of the company's servants, a guard, was wrong in his reckoning to the extent of an hour.'" Now the first part of that is an answer to Captain Simmons, and the second part contained in his answer is a report of Captain Laffan. Now, what explanation have you to make about that?—In Captain Laffan's report my answer is printed with that.

3671. But did you take any steps to see that your servants, engine drivers, guards, and so forth, are provided with watches?—We have an order that no one should be promoted to be an engineman or a guard without he has a watch.

3672. Mr. *Henley.*] Do you take any steps to see that they come on the line with them?—Without at all questioning what Captain Laffan has stated there, these regulations are now brought into effect; they do not go without their watches.

3673. Mr. *Laffan.*] Do you remember the evidence that you gave to me on the occasion of the accident at Lostock?—I do not remember giving any evidence to you on the accident at Lostock; I gave you a copy of my report to the directors, but no evidence.

3674. I have kept all the records of that accident, and the evidence, and I can give it to you in writing, if you wish to see it; you were present with me when I was examining some witnesses; I think you will remember it when I recall it to your recollection; in examining several witnesses I found a number of guards had no watch; you interrupted, and gave me this evidence, you said, "We do not require our servants to keep watches;" I have got it in your own words?—It is possible I may have made such a remark.

3675. It is not at all inconsistent with what you are saying now, because what you are saying now is, that at present they have watches; but what I wish to point out is, that at the time of the accident at this Lostock Junction, you had no rule of the kind?—It was not; it must have been in conversation. When any inspecting officer is sent down, I never hesitate to give him any information that I know to enable him to judge what caused the accident under investagation

3676. Mr. *Bright.*] Now, on a subject which admits of so much difference of opinion as accidents like that at Chorley, would you think it desirable that the Board of Trade should hear fully the opinions and the facts as they are admitted by the directors, before they attempt themselves to express any opinion with regard to it?—Of course, we can only look upon the Board of Trade, or any other deliberative body, as acting on the evidence of their officer; and looking at the

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vast scope for practical opinion upon matters connected with railways, I must say that I should think it would be well to submit these reports for the remarks of those who were responsible, before any deliberateive body committed themselves to an opinion upon them.

3677. *Chairman.*] But the letter from the Board of Trade requests that you will bring to the attention of the directors a passage in the report as to the necessity of adopting some measures; that is the wording of the letter?—Yes; what are the measures?

3678. They desire the directors to adopt some measures for the protection of the trains passing between Euxton and Chorley, which, according to the report, appear at present to be insufficient?—Those measures Captain Galton points out.

3679. They send you a copy of Captain Galton's report, upon which it is open to you to make any observations you think proper, and you have made a detailed set of observations?—Yes.

3680. The letter also says, that it is with great regret they learn that, notwithstanding the representations which have been made to the Company, with reference to previous accidents, pointing out the necessity of the men being supplied with the means of knowing the time, when the performance of their duty depends upon a knowledge of time, the directors have not thought proper to see that they are supplied with time-keepers?—That is an error, inasmuch as both the engineman and guard had their watches with them, and marked the time most especially.

3681. You admit that one guard had no watch?—He was an extra guard; he had no watch, he was in the rear of the train; but with regard to the time, I may state that the station-master at Euxton took particular notice of the two trains passing; they were something like 20 minutes apart; the men at Farringdon and Leyland both marked the trains. There are three stations between Preston and Chorley, a distance of eight miles, namely, Farringdon, Leyland, and Euxton Junction. Both the trains were marked, up to this point, as having certainly been not one minute beyond their time; in starting the train the time was marked, and the time is proved to have been known when the collision took place, to the minute, by both trains; and the engineman of the passenger train was four minutes before his time at the time he struck; and therefore I felt an impression that the absence of the knowledge of time was not an element in this accident.

3682. Do you mean that the Board of Trade has been wrong in believing that the accidents which have occurred upon the Lancashire and Yorkshire line, must have been in any respect owing to a want of punctuality in the trains, and to a want of knowledge of the time on the part of their servants?—There has been no accident from want of knowledge of the time on the line.

3683. Mr. *Bright.*] Is the Railway Department of the Board of Trade in the habit of receiving information from the directors of railways or their officers?—I am not aware that they are. The Lancashire and Yorkshire, when a report has been made to the Board of Trade, have felt that in submitting remarks to the Board of Trade, they were only following out that which the Board of Trade would consider as furnishing them with fuller information than any means at the disposal of the inspecting officer enables him to obtain.

3684. The Board of Trade generally receiving those suggestions, are disposed to gather information from whatever quarter it is offered?—Their replies are printed in the Appendix, which hardly leads to such a conclusion.

3685. Do you recollect some accident on the Southport line, concerning which there was a correspondence?—Yes.

3686. What were the particulars of that?—It was an engine running off the line.

3687. Have you anything to report to the Committee with regard to that, or to the course taken by the Board?—I have all the particulars and the diagrams that were sent to the Board of Trade upon that accident, and the remarks of their Lordships after the evidence of the locomotive engineers upon it.

3688. Did you find, with regard to that case, that opinions of great authority differed entirely from the opinion to which the Board of Trade had come?—They did; as to the cause of the engine going off the line, they differed entirely.

3689. Do you recollect the period of time when that accident happened on the Southport line?—This is a letter from the Board of Trade upon it: "The

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reports of the locomotive engineers, who examined very closely into it, with diagrams, show that they think it is impossible for the accident to have arisen from the cause assigned by the inspecting officer."

3690. Did your locomotive engineers only differ, or were there any independent authorities who differed?—We had not any independent one; we merely sent to their Lordships further information. There is a peculiarity in the Southport line; the Lancashire and Yorkshire Railway Company work it, but it is owned by the Liverpool, Crosby, and Southport Company, and the permanent way was laid by them. The inspecting officer seems to have been evidently under a wrong impression in the weight of the engine; he appears to have been under the impression that the rails were not strong enough to carry the heavy engines of the Lancashire and Yorkshire Railway Company, and, consequently, he recommended that such engines should be discontinued until heavier rails were laid; or something to that purport.

3691. What is the fact with regard to the rails?—The rails are very much heavier than many rails that we have worn for 10 or 12 years. The idea of putting heavier rails down on a new line, that could only have been made a very short time, is not to be thought of. With regard to the engines on the line, some of them were light, and some of them were as heavy as ours; no light engine can work the line.

3692. Who was the inspector who reported in favour of heavier rails?—I think it was Captain Laffan.

3693. Mr. *Laffan.*] Will you state the weight of the rails?—I think the weight is 65 lbs. This report goes fully into it.

3694. Mr. *Bright.*] Was there not every opportunity of ascertaining the weight of the rails before the line was permitted to be opened by the Board of Trade?—Yes.

3695. What was the length of time between the opening and when this accident took place?—I cannot exactly say when that part of the Southport line was opened, but I should say it could not have been more than three years, and there had been very little traffic upon it; the rails were as good as when opened.

3696. If they had been heavy enough at one time of the year they would have been heavy enough at another time of the year, would they not?—Yes.

3697. Mr. *Laffan.*] Although you were not connected with the Liverpool, Crosby and Southport line when it was opened, are you able to say whether the Liverpool, Crosby and Southport Railway was an independent line or not?—Yes.

3698. It was a line going from Liverpool to Southport?—From a junction with the Liverpool and Bury line.

3699. About two miles out of Liverpool?—Yes.

3700. Are you acquainted with Southport?—Yes.

3701. Have you been there during the last three or four years?—I have been there frequently during the last three or four years.

3702. Do you know that it has doubled in size during the last three years?—I do not.

3703. Has it increased largely, do you think?—I do not think it has increased more than Blackpool, and other places in our district.

3704. Have you received any information from the servants of the original company as to the size of their trains; that their trains, at first, consisted only of an engine and two or three, or at the utmost four, carriages, whereas at present the trains consist of 20 carriages?—Yes; they would not be more than four or five in the first case, and are not more than six or seven in the present.

3705. You are aware of that?—Yes.

3706. The traffic has increased enormously?—The traffic has increased much, but not to the extent to which you appear to think.

3707. Are you aware that it was represented to the Board of Trade as a line intended merely to take the Liverpool people to the sea-side and back again?—What you are speaking of as a short train was when the line was unconnected, when we had to omnibus the passengers over.

3708. Since then it has been connected with the system of the Lancashire and Yorkshire Railway?—Merely for the purpose of working it.

3709. And it has become a watering-place, not only for Liverpool, but for all the manufacturing towns of the West Riding?—It always was.

3710. The Lancashire and Yorkshire having the management of it, have developed that traffic to a great extent, have they not?—I do not think they have;

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have; the fact of the matter is, that their trains do not suit ours very well; we are now making a new line from Wigan to Southport, to leave their line; the traffic is not up that to Blackpool, where the rails are lighter, and similar engines used.

3711. You have stated that whereas at first the train consisted of two or three carriages, or at the utmost four carriages, it now consists frequently of 20?—That must be an excursion train. I have never seen more than 10 or 12 carriages in an ordinary passenger train; and never stated 20 or 30; there are seldom more than six beyond Waterloo.

3712. How many excursion trains have you known running down in a day to Southport?—Perhaps two. I should think there never had been more than eight passenger trains a day on the Southport line.

3713. The engine you have to work a train of 20 carriages has a very great weight on the driving wheels; are you sufficiently acquainted with the details of locomotives to state what the weight is?—Yes, I can give the exact details of the engine to which this report refers. There was a weight of 12½ tons on the driving wheels; but to work 20 carriages we should use a coupled engine, with less weight on the driving wheels.

3714. The engine had six wheels, had it not?—Yes.

3715. Will you state the weight on the leading wheels?—Seven and a half tons.

3716. And what on the trailing wheels?—Three tons; perhaps I had better read a passage from your report, which will explain it: "My weights are actual; Captain Laffan's are not. But when 13½ out of a total load of 24 tons are borne by the centre driving wheels, it is evident that if the remaining 10½ tons were equally distributed upon the leading and the trailing wheels, the engine nicely balanced upon its centre would be continually oscillating, and would run so unsteadily as to be perfectly unsafe. To obviate this danger, the Lancashire and Yorkshire Company's locomotive engineers place eight out the 10½ tons upon the leading wheels, leaving thus two and a half tons only to be borne by the trailing wheels. Let us now consider what would be the effect in an engine of this construction if one pair of wheels get off, while the remaining four remain upon the line. In the first place, it is evident that on a perfectly straight line, the driving-wheels being in the centre could not get off the rails while the remaining four remained on; but it might easily happen on a very light permanent way that the wavy sinuous course of a powerful outside cylinder engine, swaying alternately to the right and left, might cause either a leading or a trailing wheel to jump over the rail. In such a case, if the leading wheels get off, it is evident that the weight upon them (eight tons) being only balanced by 2½ tons behind, would cause the front part of the engine to drop down, and the leading wheels, pressed with a weight of eight tons upon the ballast, would leave behind them a very deep tract, and either break or seriously injure any chairs they met with on their onward path."

3717. You have an engine of 24 tons, with considerably more than half the weight upon the centre pair of wheels?—Yes, I have no doubt you are correct; I have the figures of the locomotive engine here, taken by weighing a similar engine; they are, total 23 tons: leading wheels, 7½ tons; dividing wheels, 12½; trailing, 3 tons.

3718. From your great experience in railway management, will you not admit that an engine which from necessity has such a great weight thrown upon its driving wheels, requires a good permanent way?—Yes.

3719. What is the weight of the rails that you are now laying down on the Lancashire and Yorkshire railway?—We are now laying down 80-lbs. rails.

3720. You began I think with 65?—With 56. We had them within the last three months in use, that where laid down in 1840.

3721. You are now laying down 80-lbs. rails?—We are laying them down now at 80 lbs.

3722. Is that on longitudinal bearers?—On both longitudinal and cross sleepers.

3723. Do you find that the longitudinal bearers you are putting down, and the 80-lbs. rails, make a very steady, firm road?—No doubt about it.

3724. Do you think a lighter rail would be a better thing?—I believe the heavy rails we have got we shall do away with again. These heavy rails which we have laid down are laminating in two years from the difficulty of rolling. The heavy rails are of an inferior quality of iron.

3725. *Chairman.*] Is it not rather from the latter circumstance than the former?—I do

—I do not know that it is. I believe you will strengthen your road with timber, and not with iron. Had Captain Laffan recommended an additional sleeper between each joint and chair instead of a heavier rail, that could have been done with much greater ease, very much more expeditiously, and at a very much less expense, and the road would have been strengthened better, and in a more durable way.

3726. Mr. *W. Patten.*] On the Liverpool and Manchester Railway, since they have increased the weight of their rails, have they not been found much more durable, and to have lasted in proportion much longer than their first rails?—I think not.

3727. Mr. *E. Denison.*] What is the weight of rails that you recommend on looking at the service and the weight of engines?—A 56lbs. rail, on a continuous bearer, is a good weight; I should not go beyond 60 lbs.; but I should strengthen the timber and not the iron.

3728. Mr. *Strutt.*] What is the weight of the rails at present upon the Liverpool and Manchester Railway?—Eighty pounds.

3729. Mr. *Henley.*] You said that the road should be strengthened by the addition of timber, in your judgment, but not by the addition of iron?—Not by a heavier rail.

3730. When these lighter rails were first laid down on the Lancashire and Yorkshire Railway that you have spoken of, the 56 lb. rails, what was the weight of the engine?—This very engine that was on the Southport line, I have no doubt, has worked many thousand miles on the old rails of the Lancashire and Yorkshire. Similar engines have worked on those rails for years.

3731. What is the state of the timber foundation on the Lancashire and Yorkshire where these 56 lb. rails are, as compared with that on the Southport line?—The sleepers on the Southport line are better in quality than the old sleepers of the Lancashire and Yorkshire, but they have strengthened those old sleepert by putting additional sleepers in of a better quality; and those old rails, so strengthened, have worn better than any other rails we have had.

3732. Taking the Southport line, timber and iron together, and taking the Lancashire and Yorkshire, timber and iron together, which is the strongest of the two?—I should think the Lancashire and Yorkshire old rails, as they are timbered, are the stronger, although the iron is lighter than on the Southport. It has an additional sleeper.

3733. Mr. *Laffan.*] There is another element to be taken into account in estimating the strength of a road besides the iron and timber, and that is the nature of the ballast?—No doubt.

3734. In going over a firm substratum with good ballast, you may use a light rail, with comparatively light timber; but in going through a light spongy or sandy soil, the sand ballast blows about a good deal and is easily moved; you require then a more rigid, permanent way, in order to give a firm fulcrum to the motive power of the train; you are acquainted with the local circumstances of the Southport line, and you probably will remember that the ballast there consists generally of very light sand; it blows about a great deal, and when a train has passed over you will sometimes see the timbers drawn a quarter of an inch from the sand; have you ever observed that effect?—I have observed it frequently; I think strengthening with timber is better than strengthening with iron; particularly there.

3735. Whether the suggestion made in the report is a good one or not is another thing; but do not you think the peculiar circumstances of the Southport line require a more perfect mechanical arrangement of the permanent way than might suffice if it was on a firmer soil?—I do; on the line from the Kirkdall Junction to Waterloo, where the gradients are very heavy, something between 1 in 93 and 1 in 100, for two miles the traffic between Liverpool and Waterloo goes with short train; there were 12 trains in summer and winter, and four to Southport in winter and six in summer; that part of the line between Liverpool and Waterloo is not circumstanced as you now describe; it is clay, and a very indifferent material for making a railway, but it is very much of the same character as a large portion of the Lancashire and Yorkshire line; and beyond that, when you get on to the sand, it causes such a heavy tractive power to be necessary that no light engine can take even an ordinary train over it in blowing weather, and, consequently, it requires very particular attention to the permanent way from the blowing about of the sand; this is a matter of opinion; I do not wish to

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put my opinion before yours upon it, but if that road belonged to me I should strengthen the road with timber, and in giving it a better bearing I should not increase the weight of the rails; I should be quite satisfied with a 65-pound rail, but I should have more timber.

3736. Precisely. We come then to this, that you agree with the suggestion that the peculiar circumstances of the Southport line at the place where this accident occurred, which was beyond Waterloo, in the sandy district, requires a more perfect arrangement in the mechanical part of the railway than you might adopt with safety upon another part of the line; and that the heavy draught consequent upon the pliable permanent way requires the use of extremely heavy engines. Now with such peculiarities, and with engines having considerably more than half the weight accumulated upon their centre wheels, for the purpose of increasing the tractive power, do you not think that the permanent way requires particular increased strength?—Yes; the heavy draft is from the rails being so generally covered with sand.

3737. But you differ from the report in this, that whereas the report suggests that that increased strength, necessary from the peculiar circumstances of the traffic, should be obtained by increasing the weight of the rail, you would take another means of obtaining the same end; you would add to the timber?—Yes.

3738. In fact it is a question as to the means to be adopted to obtain the same end, but not any question of principle?—Not at all.

3739. Mr. *Bright.*] Do you mean to say, that with regard to this particular accident, that you agree with the probable circumstances stated in the report; and that, judging from that accident, it was necessary for the directors to strengthen their permanent way?—To strengthen this permanent way as regards the timber, but not as regards the rails.

3740. Then you agree, with regard to the insufficiency of the permanent way for engines of that weight on that particular spot, but you disagree with Captain Laffan as to the mode of strengthening that permanent way?—I do not agree entirely with two locomotive engineers as regards the cause; they leave the case as something unaccounted for, but I am quite sure that, as far as one's own conviction would lead them, on close examination, that that engine was thrown off the line, not from the way in which it was ballasted, or any peculiarity of the engine, as is described in Captain Laffan's report, but it was thrown off the line by one of these rails being out of joint, which might have occurred anywhere.

3741. Mr. *Laffan.*] Being insufficient?—Being insufficiently secured, or some derangement of the road; that might have occurred on any railroad.

3742. But of course the danger arising from that insufficiency would be aggravated by the peculiar weight on one pair of wheels of the engine, because a road which may be safe for a pair of wheels bearing five tons will not be safe for a pair of wheels bearing eight or ten tons, and still less safe for a pair of wheels bearing 13½ tons?—Clearly so; what is the advantage of a powerful engine, unless you can get weight on the driving wheels; and the heaviest engines which we have are fully taxed over this sand with six or seven carriages in blowing weather.

3743. I think we are both of the same opinion in that respect, that you must have this amount of adhesion to obtain a fulcrum for your motive power?—Yes.

3744. From the circumstances of the district you could not work the traffic with a lighter engine than you now do, because with less weight you could not obtain a sufficient fulcrum for the motive power; the railway at the time of the accident did not possess a sufficient strength for an engine so peculiarly weighted, moving at a higher speed?—The engine was an ordinary six-wheel outside cylinder engine, and not peculiar, as stated in the report.

3745. It is expressly stated that this engine was of a class peculiar to the Lancashire and Yorkshire Railway?—Yes; but that is not the fact.

3746. I think you will agree with me that every railway company, from motives of true economy, adopts particular classes of engines, adapted to the gradients and the traffic upon their line; an engine which is adapted to a hilly country is not adapted to a plain; and an engine running very well to York, over the Great Northern, would not work the steep gradients of the South Wales lines; every company requires sometimes upon the whole of its system, sometimes, in particular districts, particular classes of engines; and true economy suggests that the proportion of the various parts of the machinery should be arranged so as to obtain the greatest amount of power at the least expenditure upon each particular class of work. The gradients you have been describing, on the Lancashire

and

and Yorkshire are peculiarly heavy, and require a very great motive power to carry trains up them. Therefore, the Lancashire and Yorkshire, acting from good economy, have adopted a class of engines having an enormous weight upon one pair of wheels, in order to obtain the requisite power at the smallest cost; they have, at the same time, adopted a comparatively rigid permanent way to support that motive power; and one of the causes which led to this accident, was taking an engine so constructed, for one peculiar line, and running it on another line, which was not so well adapted to it; for the permanent way of the Southport Railway having been intended for a different class of traffic, was not, at the place where the accident occurred, sufficiently strengthened to bear these heavier engines?—I say that if I had to work the Southport line, I could not have put an engine on it better adapted; I believe the engine is perfectly adapted to work the line, as well as any engine that could be built, and does not differ from what was provided before the line was opened by the Southport Company.

3747. Mr. *Bright.*] You would make some alteration in strengthening the line with timber?—I should strengthen the line with timber; it is a very simple process, very easily and quickly done, if required.

3748. Has anything been done to strengthen it since the report of Captain Laffan?—I do not think there has. That rests with the Southport Company; we have lowered the speed.

3749. *Chairman.*] So far as your impartial judgment is concerned, it sides with Captain Laffan, and not with the Southport Company?—It does not side with Captain Laffan; but I think any inspecting officer of the Government, who went down to authorise the line being opened ought to put such stipulations upon it as to ensure the safety of the public, and satisfy himself that the rails were equal to the work.

3750. That being, as you say, a disjointed company, when it was opened under the inspection of the Board of Trade, it was united with you in carrying a much heavier traffic at the time at which Captain Laffan's report was made?—The traffic is not heavy between Waterloo and Southport, where the accident occurred.

3751. Is it not much heavier than it was at the time the line was opened?—It is not heavier in any way than would have justified making a particular class of engines to work it, or a heavier rail now than then.

3752. It would not have justified making an engine to suit the line; it did not only justify, but required that the line should be made to suit the engine?—Certainly. I look upon it that a great many of these railway accidents happen from our unduly opening a line before it is finished. You open a line before it is finished, when destitute of almost every accommodation which is necessary for the convenience of the public, and once opened you rarely or never get that accommodation afterwards. There are lines which have been opened 10 years now, under the authority of the Board of Trade, and the platforms, signals, sidings, and the other appurtenances belonging to it, which are in every way most important ones, have never been completed, and consequently the Board of Trade has not exercised that power which the law particularly gives them.

3753. Then if the Board of Trade were in that particular respect to exercise a much more stringent interference with the proceedings of railway companies, it might expect to have your authority upon its side?—Most certainly; and I believe not only mine, but what is very much better, you would have the support of every railway manager in the kingdom.

3754. How do you account for this fact; you spoke just now of the opinions of the engineer of the Board of Trade being at variance with the opinion of certain eminent persons who were not specified; by those eminent persons, do you mean the persons employed on the Lancashire and Yorkshire Railway?—I said nothing about eminent engineers or persons; they differed from Captain Laffan as to the cause of the engine going off the line, which Captain Laffan ascribes to the weakness of the rail, and want of adaptation, and defects of the engine; of course those are matters of opinion entirely. I am always anxious to send to their Lordships everything which strikes me upon the occurrence of an accident; therefore I shall always be glad when any report is made, to submit both answers to their Lordships, that they may have better means of administering censure where necessary.

3755. Mr. *Bright.*] Have you been long enough connected with railways to remember when Parliament first yielded to the Board of Trade authority in railway matters?—Yes, I have; I think it was in 1840 or 1841.

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3756. And during the whole of that period, being connected with railways, you have had frequent opportunities of observing the course of the Board of Trade, and of seeing the correspondence which has taken place?—Yes.

3757. Do you know how many Government Inspectors have filled the situation at the Board of Trade during that period?—Sir Frederic Smith was the first, then Sir Charles Pasley, then Captain Coddington, then Captain Simmons, Captain Wynne, Captain Laffan, and Captain Galton.

3758. Were they all from the corps of Royal Engineers?—Yes.

3759. Now, is it your opinion that those gentlemen, when they came to this office, have been generally well acquained with railway matters before; or have they come from other professional duties, apart from railways, to an occupation with which they were pretty much unacquainted?—I have no doubt whatever that those gentlemen are selected from the best qualified officers, and in every respect most fitted for the appointment; but I think it is very probable that they have never had any opportunity or chance of being very much acquainted with the practical working of railways.

3760. Have any of them been appointed, having lived abroad for a number of years, probably all the time since railways were first constructed in this country, and never having seen a railway?—I cannot tell that. I know that the engineer corps is very seldom left at home much, they are obliged to go all over the world. I remember meeting Captain Wynne, soon after his appointment and return from Mauritius.

3761. *Chairman.*] Not between 1841 and 1851, because, as you have just stated, you have been managing railways all that time?—I do not mean that I met Captain Wynne in the Mauritius, but when very recently come home.

3762. Notwithstanding the inexperience of military engineers with regard to railway matters, has it happened that a military engineer has been taken away from the Board of Trade and received a salary four times the amount which he got from the Board of Trade for managing a railway?—Yes. I do not wish to say anything disrespectful of a corps that I have the highest esteem and respect for.

3763. Mr. *Bright.*] Is it not your opinion that a man may be proficient in his profession as a member of the corps of Royal Engineers, and yet he may not have much acquaintance with the practical working of railways, and therefore may not be the best authority on all these matters which are required to be examined into by the Board of Trade?—I think that must be very possible. I am quite sure, if the Board of Trade had done what was in their power in authorising branches and junctions to be opened with new and old lines, that before this they would have had a uniform system of signals, a uniform height of platforms, all the necessary turn-tables and apparatus wherever required, and they would have had enlargements of stations where they were required, by simply letting the railway companies know, when the works were commenced, that they should not authorise any line or branch to be opened until these matters were provided.

3764. *Chairman.*] Do you think that it would have given satisfaction if a Railway Board, being entrusted with power for one limited purpose, had used that power with a view to accomplish some more general purpose?—I think I can put this in a manner which I am sure your railway experience, if you will allow me to refer to it, will see at once. Nearly every railway has a different system of signals. If you go on the South Western you see the Turkish crescent; if you go on the Great Western you see something like a cod's head and shoulders stuck upon a pole; if you go on the London and North Western you will see a semaphore; and if you go on other lines you will see something different. I have been connected with railways a very long time, and have never been able to discover more than two practical signals that can be usefully communicated to an engineman in charge of a train: one is to stop, and the other to be cautious. Now, surely, we ought to have come to some decision as to what those signals should be, so that if an engineman were transferred from one line to another, which he frequently is in the course of his journey, he would not be under the necessity of learning what that singular thing on the Great Western meant, or that on the South Western meant. The signal to stop ought to be alike on all lines. I do not think any company would suggest an objection to such an uniformity as that.

3765. Mr. *M. Milnes.*] Are the night signals different?—The night signals, of course, are by lamps; by a red or green lamp in some way exhibited.

3766. Are

3766. Are they different on different lines?—They can only use red and green at night, without reference to form; but the position of the signals is very defective on many lines.

3767. Do they mean the same thing?—Yes, the night signals, but with regard to the day signals, we have hardly two alike, although meaning the same thing, if they mean anything.

3768. *Chairman.*] You have not answered the question which was put to you before, which was this: Parliament having entrusted the Board of Trade with the power of preventing the opening of a new line, for the purpose of ascertaining that that new line is reasonably safe before it is opened, do you think it would have been right that that power should have been exercised for a totally different purpose; the Board of Trade is not entrusted by Parliament with the power of compelling all railway companies to adopt some uniform code of signals, to be devised by them?—I think I quite understand the question, but I do not understand that you are limited to anything short of safety.

3769. The object being to ensure safety upon that branch, Parliament has not entrusted the Board of Trade with a power over branches with any intention that it should be used as a means by which we can obtain power over signals upon main lines, or lines in general?—I know that, but I think you have misunderstood me. I say this, that you are entrusted with a power to ensure safety, and as a practical man I say that you have not attained that safety which it was perfectly in your power to attain.

3770. Do you mean that that power should be exercised to prevent new lines being opened, though in all respects ready for opening, unless the company to which it belongs will adopt some particular code of signals?—No; you must not limit my observations to signals; I merely brought it in as an illustration; but what I mean is this, taking my own line: I want to open a new branch from Todmorden to Bury. I say you are perfectly justified, by the existing law, to say that you will not allow this branch to be opened until there are proper stations, and proper clocks at those stations, illuminated at night, and visible to all the enginemen passing, and not allow this junction at Todmorden into our own line until there are proper turn-tables, and signals, and proper provisions taken to secure the safety of the public on the old line at the junction of this branch. With regard to signals, I mean to say that uniformity would be desirable. I think one suggestion from the Board of Trade would have brought that uniformity about; but I go further, and I say, that where new lines have been opened in a state not safe, that want of safety has existed for years; it arises from its not having been insisted upon at first, as, when once open, the shareholders, and not the directors, may control the requisite expenditure.

3771. Mr. *Bright.*] In point of fact, your opinion would seem to be, that the Board of Trade, through its inspectors, has been somewhat lax in conceding to companies the liberty to open the line, when all the precautions for public safety were not taken that the Board of Trade might have insisted upon?—That is my opinion decidedly, with reference to many little things which they were bound to provide before they opened, and without putting the companies to one farthing expense that ought not to be incurred.

3772. Mr. *Laffan.*] Can you state an instance in which the line has been opened without proper signals being fixed?—What I call proper signals may not be what you call proper signals; I do not call a signal at a station a proper signal. I say that to have a signal at a station you are doing very little or nothing; you ought to have a signal on each side of your station, so that whichever line was entered upon you throw out the signal to the greatest distance you can, to warn anything that may be approaching in that direction; now that is a very simple thing.

3773. Do you mean what are called distance signals?—They are called distance and auxiliary signals, because you force them into use at special places; but there is not a station, or junction, or level crossing where they are not equally necessary.

3774. Mr. *Bright.*] Do you mean the signals which are placed about a quarter of a mile further on?—Yes, we have no others; you do not want any others.

3775. Is that signal worked from the foot, or is it worked by a lever at the station?—By a lever at the station. Those signals are in the Third Report of this Committee; the advantage of the disc signal is, that you get the largest surface with the smallest amount of material, and worked very simply and very well.

3776. Mr. *Henley.*] Must not the safety of a line, with regard to the accommodation

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modation of stations, and such like accommodation, depend upon the amount of traffic upon that line?—Yes, very much, but not entirely.

3777. But the traffic very often upon a line increases very much after it may have been opened a year or two?—Yes.

3778. Now, do you think that the Board of Trade inspector ought to refuse to allow any line to be opened unless it was, at the time of opening, furnished with the amount of station and turn-table accommodation, and matters of that kind, which would be sufficient for the vastly increased traffic that was expected?—If a train is wanted to be run off a line on to a junction, the engine ought to have the means of turning in any way that may be required. With regard to platforms, they are now terminated by steps. Now, it is a thing which occurs, not one day but almost every day, that you will see a mother, father or friends, taking leave of each other, talking till the last moment; the train starts, and down they fall upon the steps; many accidents have happened at platforms through that simple thing. I say if the Railway Department of the Board of Trade, or any practical man connected with them, were to ask them to remove those steps, and put in their place an inclined plane, the advantage of it would be so palpable that it would be done at once; and there would be this advantage, that a porter might wheel a barrow full of luggage down the inclined plane instead of sliding it down a shoot, or carrying it, which is the practice now. These are practical things, which are so simple and inexpensive in themselves, besides ensuring the safety of the public, that I do not think any railway company could object to adopt them.

3779. You have illustrated your case by the matter of steps; do you say these steps have not been objected to by the officer of the Board of Trade, from want of practical knowledge?—Quite so.

3780. Now, has an engineer practical knowledge of these matters upon a railway or not?—Many of them have not; when I have met any engineer I have always said, "Why don't you let me have an inclined plane?" he says, "Oh, yes, I will;" and he has gone away and forgotten it; these details being left to juniors, or not entered in the contract plan.

3781. Is there any difference of opinion as to whether an inclined plane, such as you have described, or steps, is more safe?—I do not think there can be; I never heard any one suggest a difference of opinion, not only as regards safety, but convenience in working the line.

3782. You say you do not think there can be a difference of opinion upon it; have not the great majority of practical engineers, and parties acting on railways, done things in different ways?—They have, but they have not to work the lines; we who have to work the lines find out all these difficulties, and cannot get them redressed.

3783. Mr. *Strutt.*] Can you give any instance which has occurred of an accident which has arisen from the premature opening of a railway, which has been sanctioned by the Board of Trade?—Yes, I can give you two fatal accidents which happened on this very Southport line, where the platform was a very improper one; two people were killed last year through that platform.

3784. Mr. *Laffan.*] Will you relate the circumstances under which they were killed?—It was on a Sunday night. A paralytic old gentleman had been in the habit of going out to the neighbourhood of Waterloo or Crosby to see his nieces; he was very feeble, and one of the nieces came down with him to see him off by the train; they were standing by the train, and the guard fancied that he was not going by that train; his niece said "Uncle, get in, get in," and this poor old man got on the foot board, and the platform was such an inconvenient one that he slipped down between the platform and the carriage, and drew his niece down with him, and they were both killed on the spot. I say that the ordinary platform, with an inclined plane instead of steps, is such a one as no railway company dare object to; had that been insisted upon by the officer of the Board of Trade who authorised that line to be opened, that accident would not have occurred.

3785. Was this old gentleman standing on the platform, or on the ground beyond the platform?—He was standing on the platform.

3786. Do you remember that it was stated in a report that was made, that that platform was totally insufficient; that it might be sufficient for a train of about four carriages, but totally insufficient for a train of 19 or 20 carriages?—That is a mistake; it referred to platforms that were on the line recently passed by the inspecting officers.

3787. Mr. *Bright.*] What is the number of miles of which your railway is composed?—One hundred and ninety-five, the Lancashire and Yorkshire Proper.

3788. But taking four years, ending December 31st, 1852, which are the years 1849, 1850, 1851, and 1852, what are the number of passengers that have been conveyed on that railway?—In the four years ending December 1852, 20,520,476.

3789. Does that include the lines which you are working for other companies?—It does not include the Southport, it does not include the Fleetwood; it does not include the Blackburn.

3790. Now, can you tell us what number of tons of goods was conveyed on the Lancashire and Yorkshire Proper during the same period?—6,846,572.

3791. Do you believe that there is any line in the United Kingdom of the same length carrying an equal number of passengers with yours?—I have not the means of knowing that very accurately, but I should think there is not.

3792. Do you know how many stations you have upon your line?—One hundred and twenty-eight.

3793. Is that upon the 195 miles?—I think it is; I am pretty certain it is 128.

3794. Now during the four years which you have spoken of, can you state how many fatal accidents to passengers have happened upon your line?—Five.

3795. That is, five persons were killed?—Yes.

3796. Does that refer to the Lancashire and Yorkshire Proper?—Yes.

3797. How many accidents were there which produced the death of those five persons?—Two.

3798. Was one of them an accident at the station at Burnley?—Yes. The parties hurt were all excursionists; one was at Burnley, and the other was at Bullfield; in both cases excursionists.

3799. With regard to the Burnley accident, what speed would you say the train was moving at when it came in contact with some portion of the station, and four children were killed?—A man was walking on faster than the train was moving, telling the people not to get out. Everybody said it was not going above two miles an hour. The engine in the case at Bullfield did not appear to be going much faster, for it did not even break the glass of the lamp of the train it ran into.

3800. In this case at Burnley, were not the children literally smothered by the number of passengers who were in the carriages, when the carriages were thrown up?—There was not a scratch upon them; they were suffocated by the carriage being lifted up, and the number who were in it all fell down to the bottom, and suffocated these children; out of the five, there were four children under 12 years of age in the two accidents.

3801. Now, it would appear from this return, that so far as excessive speed goes, or engines running off the line, or want of punctuality, and so forth, that accidents on your line have been extremely rare?—Yes; with reference to those excursion trains one could make a few remarks. I should say that as to the authorising of those trains by the Board of Trade, I should adopt a very different course to what they do.

3802. Will you just explain that?—In the first place, instead of trying whether I could squeeze a railway out of 1 *s.* 6*d* for duty, or 1 *d.* a hundred for duty, I should request to know where those trains were going to, and the gradients they were going to pass over. I should authorize the number of carriages and the passengers to be taken in those excursion trains accordingly. I should not look so much to entering into every nice point of law as to whether they were to pay duty or not, but I should look to their safety and comfort, and leave the duty as a question that might be entered into and understood hereafter.

3803. *Chairman.*] Do you not think that officers who act under an Act of Parliament, are bound to consider the legal provisions under which they act, before they take any steps?—Certainly.

3804. Do you not think officers who direct railway companies, which carry large excursion trains at present, are bound to take the utmost practical precautions for the safety of the passengers?—I wish you to exercise the full power of the law, which is this, no cheaper train than 1 *d.* a mile shall have passenger tax remitted, or be run without the sanction of the Board of Trade. All 1 *d.* a mile trains are exempt from duty, with such sanction. With regard to the number of passengers taken by these excursion trains, if the Board of Trade were to say,

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We do not think it safe that more than 500 people, or any other number, according to circumstances, should go in a train, I have no doubt that that would be attended to very willingly and strictly.

3805. Mr. *Bright.*] Would you think it a desirable thing that 1,000 persons should be allowed to travel at one time in an excursion train?—I think it is a frightful thing.

3806. If you are going up an incline and can conceive the possibility of a coupling-chain giving way, do not you suppose that the result would be fatal in all probability to a great number of the passengers?—Unless there were proper breaks behind. I do not think any train is safe with such a mass of people as is carried by the excursion trains.

3807. Has it been sometimes to you a subject of concern and anxiety, as to the number of passengers which are being taken by these excursion trains?—I always feel a great relief when I hear that an excursion train has got back safe.

3808. *Chairman.*] Is there any compulsion upon the Lancashire and Yorkshire to carry a larger excursion traffic than you consider safe?—There is this compulsion, that if they do not others will. Railway proprietors are getting three per cent. or something less, and railway directors have very little money to spend; their capital is exhausted, and they press upon their managers to do things which managers do not like.

3809. Do you mean, that as regards railways in general, and the Lancashire and Yorkshire in particular, that the desire of getting a better dividend renders the Boards of Directors insensible to due considerations of public safety?—I do not wish to particularise any case; the Lancashire and Yorkshire are exactly in the position of every other railway company in the kingdom, and are often compelled to adopt, on emergent cases, what they do not approve.

3810. Mr. *Henley.*] Then you think the responsibility of safety is taken off directors and servants of the companies and thrown on the public department?—Wherever the public department is called on to sanction, they ought to be responsible.

3811. Mr. *Strutt.*] Are you of opinion that blame attaches to the Board of Trade, for not having foreseen the possibility of these accidents, rather than to the Board of Directors, who actually see the danger going on before their eyes, and take no means of preventing it?—I think we are not to say that the Board of Trade is devoid of responsibility, for they sanction a party doing a certain thing, and they give that sanction unconditionally. With regard to the accidents which arise with excursion trains, where the party giving the sanction for those trains to run knows all the circumstances, he ought at least to share the blame, if blame there be.

3812. Mr. *Bright.*] Does not your evidence come to this, that you would recommend that in the appointment of inspecting officers of the Board of Trade, they should not only be engineers, but men practically acquainted with railways; and then, with regard to the power they have of interfering with the conduct of a railway, that due regard should be had to public safety?—I cannot help thinking that very great public advantage would be derived from it.

3813. Mr. *Henley.*] Do you think that the directors and managers of railways are so careless of the public safety, that it is necessary to deal with them with a strong hand?—I do not think so generally; but I think they do not seem fully sensible of the danger; I think it is a great pity that the Board of Trade have not more authority to enforce their suggestions when they are useful, but at present they originate nothing.

3814. *Chairman.*] Then you wish the Board of Trade to stand between the engineer on the one hand, and the directors on the other, to ensure the safety of the public by their authority?—I think it would be very beneficial, if they were arbitrators between the public and the railways, instead of being *ex parte*, as they now are.

Lunæ, 2° *die Maii*, 1853.

MEMBERS PRESENT.

Mr. Cardwell.	Mr. W. Patten.
Mr. E. Denison.	Mr. Henley.
Mr. Monckton Milnes.	Mr. Laffan.
Mr. Bright.	Captain Jones.

THE RIGHT HON. EDWARD CARDWELL, IN THE CHAIR.

Joshua John Peile, Esq., and *George Knox*, Esq., called in; and Examined.

J. J. Peile, Esq. and *G. Knox*, Esq.

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3815. *Chairman.*] (To Mr. *Peile.*) ARE you Solicitor to the Shrewsbury and Birmingham Railway Company, and also to the Shrewsbury and Hereford Railway?—I am one of the solicitors.

3816. Are the existing railways in that part of the country, the Shrewsbury and Chester 42 miles, the Shrewsbury and Wolverhampton 29½ miles, the Shrewsbury and Stafford 29½?—Yes.

3817. And are 10 miles of the last two named railways joint lines?—They are. There is also the Shrewsbury and Hereford, which will be 53 miles when completed, of which there is now open about 28. It will be completed in September next.

3818. Mr. *Bright.*] Is that open to some town now?—To Ludlow; and it will be completed in August or September on to Hereford.

3819. Are those lines you speak of all in one interest?—No. The Shrewsbury and Hereford is entirely independent and distinct from any other interest whatever. The Shrewsbury and Birmingham, as it is now called, although it only extends to Wolverhampton, with running powers on to Birmingham, and the Shrewsbury and Chester, are working together under an agreement.

3820. *Chairman.*] Have you attended here for the purpose of giving the opinion of the companies with which you are connected upon the subject of amalgamation?—The directors desire that I should attend and explain the circumstances under which they are placed with reference to railway accommodation, and what effect the proposals before the House this Session would have on this district. That was the object of the directions I received.

3821. The Shrewsbury companies have been the battle field of a conflict which has lasted for some years?—It has.

3822. Between the two great companies, the London and North Western and the Great Western?—Yes; I can explain shortly how it arose. It was in the year 1844 that the project of a railway from Shrewsbury to Stafford on the one side, and Wolverhampton on the other, was first originated, that to Stafford being promoted by the then Grand Junction Company; the noblemen and gentlemen of the county, and other landed proprietors, did not consider that the most desirable point for a railway, and promoted another scheme perfectly independent at that time, to Wolverhampton, our great connexion being with the South Staffordshire, consuming districts for our agricultural and other produce. The scheme of the local gentlemen from Shrewsbury to Wolverhampton was then favourably received by the London and Birmingham Company previously to the amalgamation of the Grand Junction. Before they came before the House, the independent company, the Shrewsbury and Wolverhampton, was strongly pressed to extend the scheme from Wolverhampton through the mining districts to Birmingham, taking very much the line which the old Holyhead road took, and for that Session, the Session of 1845, it was the only company that promoted any railway through South Staffordshire, there being then only the old Grand Junction line up to Birmingham. Deposits were paid, severe contests took place on the Standing Orders, and both bills were lost; at the close of that year, the promoters of the Shrewsbury and Birmingham scheme proposed again preparing for Parliament, when at that time the Grand Junction and the London and Birmingham had become one company, and became connected with the Birmingham Canal, and it was suggested to the local gentlemen forming the Shrewsbury and Birmingham

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Company, that a double deposit should be made as between the Birmingham and Wolverhampton, there being one scheme deposited from Shrewsbury throughout to Birmingham, and another which has now become the Stour Valley line, from Wolverhampton to Birmingham. There were then in the field that Session the other scheme, which has also been authorised by Parliament, called the Birmingham, Wolverhampton and Dudley, being the extension of the broad gauge from Birmingham and Oxford. The local gentlemen acceded to the suggestion, and the mode in which the company was formed, was by the Birmingham Canal interest taking a fourth, the London and North Western taking a fourth, the Shrewsbury and Birmingham a fourth, and the other shares were distributed generally among the public, the other fourth.

3823. Then there are three lines, either open or in course of construction, between Birmingham and Wolverhampton?—There are two open, and one about to open; there is the old Grand Junction, which skirts the towns; there is the Stour Valley, as it is called, going very nearly the line of the canals; and then the Birmingham, Wolverhampton and Dudley, which will be the broad gauge, coming from the Birmingham and Oxford, and taking very much the line of the old Holyhead road. Those schemes came before the Committee, and in fact it was almost by arrangement. It was a period when it was doubtful whether Parliament would continue to pass the Bills if the contest continued, and both Bills were sanctioned, the Stour Valley Bill, and the Birmingham, Wolverhampton and Dudley. The Shrewsbury and Birmingham Company then consented to their Bill being stopped at Wolverhampton, although they have continued up to this time to be called the Shrewsbury and Birmingham Company; but it is, in fact, having the control from Shrewsbury to Wolverhampton, 10 miles out of that, out of Shrewsbury, being joined with the Shropshire Union, now the London and North Western, and having one-fourth interest between Wolverhampton and Birmingham, and with one-fourth of the direction in the making of that line at that period. In consideration of the Shrewsbury and Birmingham being the promoters of that scheme, it having been fought under that Bill, the amount of expense was repaid to that company, to the extent of something like 33,000 *l.* or 34,000 *l.*, by what is called the Stour Valley Company. In the same Session of Parliament there were also schemes of what was called the Shropshire Union Railway and Canal Company, and three Bills were passed by them: first, for making a line from Shrewsbury to Stafford, which is 29½ miles, then another from Crewe, crossing the county, with branches to Ellesmere, Wem and Whitchurch, going on to Newtown; and, thirdly, one between Calverley and Wolverhampton, on which there is now a line of canal, the Birmingham and Liverpool Canal.

3824. Mr. *Bright*.] Did not that line from Crewe to Newtown go through Shrewsbury?—No, it did not; it crossed the northern part of the country, taking in Ellesmere, going into Montgomeryshire, taking much the line of the canal. Of these, the Shrewsbury and Stafford is the only one that has been made. In the Session of 1847 the Shropshire Union Company had become connected with the London and North Western, and a Bill was proposed for leasing that line to the London and North Western. The Shrewsbury and Birmingham opposed that Bill on the ground that, as they were the joint owners of this line from Shrewsbury to Wellington, they had consented to that Bill passing, not fearing the competition of an independent company like themselves; but when that company became connected with a larger one, like the London and North Western, they thought they ought to have some protection, and they opposed that Bill. The opposition to that Bill was withdrawn upon an agreement being entered into between the Shrewsbury and Birmingham, the London and North Western, and the Shropshire Union Railways. I will hand in a copy of that agreement. I would shortly state, that it recited the intention that the formation of a railway between Shrewsbury and Wellington was common to the two companies, the Shrewsbury and Birmingham, and the Shropshire Union Companies: "And whereas a Bill was introduced into Parliament during the last Session, for authorising a lease in perpetuity of the undertaking of the said Shropshire Union Railways and Canal Company to the said London and North Western Railway Company, the same was opposed by the said Shrewsbury and Birmingham Railway Company: And whereas the said Shrewsbury and Birmingham Railway Company agreed to withdraw their opposition to the said Bill on its being mutually arranged and agreed between the said several companies that the covenants and agreements hereinafter contained should be mutually entered into by

Vide Appendix.

by them on an Act of Parliament being obtained for authorising such lease as aforesaid, or a lease between the same parties of any part of the said undertaking between Shrewsbury and Stafford." Of the three schemes of the Shropshire Union, the only one that affected the Shrewsbury and Birmingham at all was that between Shrewsbury and Stafford, or between Shrewsbury and Wellington. It then goes on to enact, on this lease being granted, that the Shropshire Union shall and will keep full accounts of all the traffic going south of Rugby, and then those accounts being ascertained, a portion of them should be divided, in the proportion of seven-thirteenths to the Shrewsbury and Birmingham, and six-thirteenths to the Shropshire Union. Then there is this provision, "That during the continuance of any such lease as aforesaid, the said Shropshire Union Railways and Canal Company, and London and North Western Railway Company, or either of them, shall not nor will convey or carry any passengers, cattle, luggage, goods, or other matters or things, from Shrewsbury or Wellington, or from any point between those two places, to any point or place on the line of the Shrewsbury and Birmingham Railway, or the Birmingham, Wolverhampton and Stour Valley Railway, nor use the line of the Shropshire Union Railway by Gnosall or Stafford, to compete for any traffic which properly belongs to the Shrewsbury and Birmingham Railway. That the agreement hereby come to shall not in any manner be evaded or eluded by either of the contracting parties, nor shall any arrangement, scheme, device or contrivance be resorted to or attempted for that purpose; and in case any attempt shall be made by either of the contracting parties to evade or elude the arrangement hereby made, or in case any question or dispute shall arise between the contracting parties on the import or construction of these articles, or any matter herein contained, the same shall be referred, at the request of either of the said companies, to the arbitration and determination of Robert Stephenson, Esq., and in case of the death or absence of the said Robert Stephenson, then to the arbitration and determination of an umpire, to be appointed by the Railways Commissioners or other Government Board entrusted with the supervision of railways, in case of the said parties hereto, their successors or assigns, not agreeing in the nomination of such umpire." That agreement was sealed on the 12th October 1847, after the Act had passed authorising the lease. A memorandum was taken in the first instance, and afterwards carried out by a sealed agreement. That agreement has been violated in every way from that time up to the present; and upon the ground of the legal point taken, namely, because under the leasing Act the London and North Western could not take a valid lease of the Shropshire Union Railway until one-half of the capital had been paid up, or the undertaking had been carried out, because that was not a valid lease; therefore, although they might work the line, and receive a benefit from the line, they were not bound to carry out this agreement with the Shrewsbury and Birmingham, on the faith of which they had withdrawn their opposition to that Bill, and at the same time, the non-making of their own lines was owing to the influence of the London and North Western Company. They chose to carry out the other railways to Newtown and Crewe on the one side, and Calverley to Wolverhampton on the other. They have not called up the one-half of the capital so as to make that lease come into operation.

3825. *Chairman.*] That agreement, in substance, binds them not to compete with you for traffic, and yet they do compete?—Exactly; they compete on the ground that they are only bound by this agreement when the lease has come into valid operation, and that that event has not happened. That has been the subject of much litigation, and is now a question before the court of ultimate appeal, and will probably be heard in a few days.

3826. In what respect does this bear on the question we are now considering?—Only with respect to the sort of protection that should be given to a minor and independent company; that is the view we take of it.

3827. Is that the sort of protection that you wish to recommend, that when Parliament has sanctioned two different lines, there shall be an agreement that they shall not compete which can serve the public cheapest and best; but they shall enter into an agreement with one another, that the smaller line shall have the traffic without competition?—I was going to state, rather, how there was competition and injury to us, not merely the taking the traffic, but taking it at rates which prevented our traffic being carried on; although we have running powers over the Stour Valley line, yet we have been, up to the present time, quite unable to use them.

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3828. We are not sitting to examine the particular grievance of a particular company, but to obtain evidence which may throw light upon general principles; as, for instance, the general principle of amalgamation, or the general principle whether the present system of legislation for railways is sound and judicious; we wish you to confine yourself in your selection of details connected with the Shrewsbury case, to such matters as may illustrate general principles?—I would rather state the grievance which we have, or whether we can point out anything that may be a means of remedying that. For instance, under the Act of Parliament we have a power of running over the Stour Valley line, of having our traffic carried over that line, and with power to use the stations erected by the London and North Western in Birmingham for that purpose. That power we have found to be totally inoperative, and we have not been able to use it. It is not an injury merely to the company, but a great grievance to the public, because we have been unable either to transmit our traffic or passengers to be passed on upon that line. One objection that was raised was as to our engines, although the same engines run upon the joint line for 10 miles. The next was, that the tolls were not fixed which we were to pay for it, although we offered to pay the maximum deposit; yet, up to the present time, we have been unable to accommodate the public in any way by carrying their traffic on to Birmingham.

3829. The nearest way for the travelling public from Shrewsbury to Birmingham is over the line of your railway?—It is.

3830. Are the travelling public prevented from going by the nearest way from Shrewsbury to Birmingham?—Most undoubtedly.

3831. Explain how?—In the first place, with respect to passengers, the Wolverhampton station is a long station, with the whole of the accommodation on one side. When a passenger arrives by our train it may be so timed, perhaps, that he may see the train going out; or at all events, if the train is there, our passengers are required to get out of our carriages and to come some distance down a long flight of steps under the railway, then up another flight of steps to the booking office, which is at some distance, where accommodation is provided only at one place for a very large population. A great number of first, second, and third-class passengers are there taking their tickets. After doing so they then have to come back the whole of that distance, and very frequently they find the train either starting or started. Every means has been used by us to remedy that, but a negative has been put upon it. It is such a thing that makes it quite impossible for females or infirm persons to travel by our line, or to go upon that line.

3832. Then is there no mode in which a passenger taking his place at Shrewsbury can book through to Birmingham, and go on without changing carriages?—No, not on that line.

3833. Mr. *Bright.*] Which way does he go?—He can book through by Stafford, taking him round by a longer distance.

3834. *Chairman.*] What is the difference in distance?—I think it is about 14 miles altogether.

3835. Then it would be about one-half as long again?—Yes.

3836. Mr. *Bright.*] When they are at Stafford, they are at the same distance from Wolverhampton that they would be from Wellington?—No, about the same distance from Wellington to Stafford. It is found impracticable by infirm people to go through with that. They do not allow a person to tender his money there or to go on; he has to get out of the train. Sometimes people have offered to pay anything to be allowed to go on. That has been prevented. The directors have been desirous to see whether tickets could be obtained by electric telegraph or other means, to ascertain in some way the number of tickets required. That has been declined. There has been a suggestion from some other people for booking through and paying for tickets. That we have also been unable to get adopted. That is a grievance I should hope to have redressed.

3837. *Chairman.*] Is the practical effect of what you say this, that by means of power vested in them as possessors of the line between Shrewsbury and Stafford, and the line as between Wolverhampton and Birmingham, the North Western Company closes to a great extent, as regards the travelling public, the line between Wellington and Wolverhampton?—Decidedly.

3838. Mr. *Bright.*] Is that in defiance of a specific agreement made with that company?—The agreement I read was as to not competing, but what they are doing

doing now is against that. There is no other agreement with the London and North Western but the one I have handed in a copy of.

3839. But that agreement did not give you any right to advantages or conveniences in connexion with the London and North Western Company, but was confined only to the question of the competition for the traffic?—That agreement is only as to the division of the traffic on the one side, and not competing with us to Wolverhampton and Birmingham on the other. Those are the two points in that agreement, but the Stour Valley Act contains a positive clause that we should have the right of running over, and using the stations and accommodations for our traffic. When the lease was asked for from the Stour Valley Company by the London and North Western, it was opposed without that concession; they said, if that concession is granted you shall have running powers. I believe that the station was placed at the end of the tunnel, exactly beyond the Stour Valley line, which would have prevented us having the advantage of that running clause. We came to Parliament again, and Parliament gave us the power of using that station so placed beyond.

3840. Is your complaint this, that the condition on which you withdrew your opposition has not been fulfilled?—My complaint is, that from the obstacles thrown in the way by the London and North Western Company in the control of the Stour Valley line, it is utterly useless for our traffic.

3841. Mr. *E. Denison.*] How many Parliamentary contests may you have had since the commencement of your undertaking?—The Shrewsbury and Birmingham's first Bill was in 1846; another in 1847; another in 1849, for branches; and another in 1852; and they have been engaged in contests on other Bills.

3842. Then the Parliamentary expenses have not been very trifling?—They have been very heavy.

3843. Have you any returns of them; have you any idea what the Parliamentary expenses have been?—I have not, but I could hand in something that would show it. With regard to the Stour Valley contest, that 34,300 *l.* was repaid to us.

3844. You mentioned something a little while ago about two railways, in which powers had been taken and which were dropped?—Yes.

3845. What were those two railways?—Those were the railways suggested by the Shropshire Union Company, one running from Crewe to Whitchurch and Wem, and a branch to Ellesmere, and then to Newtown. The other is going along the line of the Birmingham and Liverpool Canal to the north of the county between Calverley and Nantwich.

3846. You used the expression "dropped;" what is the state of those proposals?—No steps were taken to make the lines; the Bills have been proposed in two Sessions of Parliament, to be actually abandoned by them; and in the present Session of Parliament there are two Bills promoted by the London and North Western to a certain degree to occupy portions of those districts; therefore, no part of those lines which embraces the abandonment of parts of the Montgomeryshire canals have been sought to be carried out.

3847. Do you mean to say that your company and the London and North Western from Birmingham to Wolverhampton, are partners in the Stour Valley line?—Before the Act passed, leasing it to the London and North Western, we were joint owners of one-fourth; now it is leased, under Act of Parliament, to the London and North Western, and I think our stake in it is 190,000 *l.*

3848. Then you are partners?—Yes; we were partly lessors.

3849. You received a payment then?—We received two-thirds of the dividend from the London and North Western.

3850. At Wolverhampton is there a joint station belonging to the London and North Western and the Shrewsbury and Birmingham?—There is.

3851. Was that built at a great expense?—It was.

3852. Do you know what was the expense of that building?—Yes, 150,000 *l.*

3853. Was that for one station?—Yes.

3854. Now, on the remaining length of the line from Wolverhampton to Shrewsbury, to whom do the stations belong?—Between Wellington and Wolverhampton they are the property of the Shrewsbury and Birmingham; between Wellington and Shrewsbury, including both those stations, they are the property of the two lines together; the Shrewsbury and Birmingham, and the Shropshire Union, of which the London and North Western are the lessees, or work it.

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3855. Then you are partners in those stations and those undertakings with the London and North Western Company?—At Wolverhampton we are clearly, and so far as we are partners at Shrewsbury, on the line to Wellington, with the London and North Western, renting the line. They stand in the shoes of the Shropshire Union, and therefore would be joint owners with us of that.

3856. With all these contests, what is the upshot; is it now your object to associate with the Great Western?—At present there are two agreements before Parliament, in Bills which are stopped by order of this Committee. We were under two agreements with the Great Western for the exchange of traffic. The first was a traffic arrangement of the 10th of January 1851; that was for the mutual exchange of traffic with each other.

3857. *Chairman.*] At Wolverhampton?—At Wolverhampton, coming from London *viâ* Oxford. Then on the 8th of May 1851, another agreement was entered into with the Great Western, which provides for making a mutual application to Parliament for amalgamation, commencing 1856.

3858. Mr. *E. Denison.*] With the Great Western?—Yes.

3859. *Chairman.*] That would carry the Great Western interest as far as Shrewsbury?—It would carry it as far as Chester, because the Shrewsbury and Chester and the Shrewsbury and Birmingham have made an agreement, and they are working together, and they entered mutually into that arrangement with the Great Western.

3860. That carries the interest of the Great Western as far as Chester?—It does.

3861. Does the proposal terminate with Chester?—There is some arrangement with the Chester and Birkenhead, with which I am not cognizant.

3862. Still, in your contemplation, the project was to terminate at Birkenhead?—The project of the Great Western was, no doubt. The Bill for the amalgamation was the Great Western with the Shrewsbury and Birmingham, and the Shrewsbury and Chester.

3863. Was the object to terminate at Chester, or go beyond Chester to some other place?—I believe it was to go to Birkenhead; there was some arrangement with the Chester and Birkenhead Company, but I am not cognizant of it. I know there was an agreement; there have been meetings of the shareholders about it.

3864. Mr. *E. Denison.*] How is it proposed that the Great Western should occupy or work those lines; is it proposed that they should be worked upon the mixed gauge, or what is the proposition?—There are two Bills before Parliament this Session, one for amalgamation with the Great Western, to commence in 1856.

3865. State upon what terms that amalgamation with the Great Western is to be effected, so as to enable the Great Western upon its own principles to work those lines?—I have a copy of the agreement here.

3866. State the substance of it?—Mr. Knox will explain it; he is more cognizant with it than I am.

3867. (To Mr. *Knox.*) You have got a Bill proposing an amalmagation between your company and the Great Western; how do you propose to give effect to that agreement in the working of your line?—There is also a Bill for laying the broad gauge over our lines as far as Chester.

3868. Do you mean the broad or the mixed gauge?—Both; we have the narrow gauge line, and we propose to lay additional rails for the broad gauge.

3869. How far is it proposed to lay the mixed gauge?—To Birkenhead.

3870. That is, by the Bills before Parliament?—Yes; and which have been read a second time, and are now before Committee.

3871. (To Mr. *Peile.*) At what point do the rails of the broad gauge substantially stop?—They will come to Wolverhampton when the line is completed and opened, which will be in September this year.

3872. And beyond Wolverhampton, wherever the Great Western can travel, it will be by a mixed gauge; is that the proposal?—Yes.

3873. Mr. *Bright.*] How will the Great Western get from Wellington to Shrewsbury, between which places is a line partly in the hands of the North Western?—It will only be by Parliament authorising the mixed gauge being laid down at that spot.

3874. Is there a Bill for that?—Yes; there is a Bill for discussion this Session.

3875. Is

3875. Is that opposed by the North Western?—Yes, it is sure to be.

3876. Mr. *E. Denison.*] (To Mr. *Knox.*) Is there any line now in operation upon the principle of the mixed gauge?—Yes; there is one on the Midland, near Gloucester, between Gloucester and Stonehouse, near Cheltenham.

3877. How far?—It is a short line.

3878. How many miles?—Seven miles.

3879. Is there any line in connexion with your company's line, which is worked on the mixed gauge?—Not at present; the Oxford and Birmingham has been laid on the mixed gauge.

3880. How long has it been laid on the mixed gauge?—From the commencement.

3881. Why is it not worked?—Because the London and North Western do not exercise their powers over it. The narrow gauge is laid for the London and North Western, which has running powers over the Birmingham and Oxford.

3882. Then is it worked on the broad gauge?—It is only worked by the Great Western at present.

3883. Mr. *Bright.*] Then the expense that has been incurred in laying down the narrow gauge there is, so far, so much expenditure in abeyance, for it is doing nothing?—It is.

3884. Mr. *E. Denison.*] Now taking the stations, and all that is necessary to be considered in working a line, could it be practically worked on the narrow gauge?—Upon both gauges certainly.—(Mr. *Peile.*) At the time our line, the Shrewsbury and Birmingham, was laid out, the engineers were informed of the probability of its being in connexion with the broad gauge; and the tunnels and works were so constructed as to enable us to carry it out.

3885. (To Mr. *Knox.*) My question is upon this line, where the narrow gauge is laid down, but which is worked on the broad gauge, whether, if the narrow gauge was now to be put into operation, it practically could be worked with your stations, points, and so on?—There is a difference of opinion upon that. My own opinion is, that there is no difficulty in working it; it may require, in some cases, separate stations, but in no other respect is it difficult.

3886. Do you mean that if the narrow gauge was to be put into operation, it would require now some additional stations?—It is possible; it might be found more convenient to work at two stations the two separate gauges, than to work the two gauges at one station.

3887. You say there is a difference of opinion; have you made up your mind?—I have considered the evidence and the practical working.

3888. Mr. *Bright.*] What are you, Mr. Knox, on that line?—I am a director on the Shrewsbury and Birmingham.

3889. Mr. *E. Denison.*] And manager?—No; at one time I was secretary, at the commencement of the undertaking.

3890. Supposing it was now proposed to work that on the mixed gauge, what do you think would be necessary in the way of additional works, to make it possible to work that line?—I think on what we call roadside stations, intermediate stations, no additional works would be necessary. On the termini of the lines it is possible that duplicate stations would be found necessary.

3891. Is it your opinion that it could be worked upon the double gauge with perfect safety?—Yes.

3892. Are you aware that evidence has been given before this Committee that very great increased danger would be caused by attempting to use the mixed gauge?—Yes, I am; but I am also aware that Mr. Brunel entertains a contrary opinion.

3893. You do not speak in any way from experience, because you have had no experience in the working of the mixed gauge?—No, not more than the experience I have in working the narrow and the broad.

3894. Mr. *Bright.*] You stated that you had made an agreement with the Great Western. Now in that agreement have you bound yourselves not to exchange traffic or waggons with any company except the Great Western?—Not to exchange traffic between London and our lines with any other companies.

3895. What did you say was the date of that agreement?—The 10th January 1851, the traffic agreement, and the 8th of May, the amalgamation agreement.

3896. Had your differences with the North Western commenced before that?—Yes, in 1849, when we opened our railway.

3897. Does the case stand thus, that you having an interest in the North Western Company, that is, in a portion of it, the Stour Valley line, you have made a bargain

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bargain with what may be called the natural enemies of the London and North Western, namely, the Great Western Company?—Yes; our interest in this Stour Valley as a railway, having running powers over it, ceases on our amalgamating with the Great Western. There is a proviso in our powers to run over the Stour Valley to that effect.

3898. Have you an interest to the amount of 190,000 *l.* in that line?—Yes, we have.

3899. Do you relinquish that interest, or what becomes of it?—Our shareholders have that interest.

3900. Is it held by individual shareholders of your company, or by your company in its corporate capacity?—By individual shareholders.

3901. Are you bound to retain that interest, or may it be sold by your shareholders at any time in the market?—It is sold; we are merely the parties receiving the dividend, and handing it over to our shareholders; we have no other interest in it.

3902. You are, in point of fact, partners in one concern, and are now attempting to become partners in another, those two concerns being irreconcilably opposed to each other?—The partnership with the London and North Western was forced upon us; we were partners with the Stour Valley when it was an independent company, and we expected to have an alliance with it when in ran into Birmingham; it then became leased to the London and North Western Company. That partnership was forced on us, and compelled us to apply to Parliament to run over the Stour Valley, which we obtained.

3903. Was the alliance between the Stour Valley and the London and North Western passed in opposition to your wishes?—Yes, we opposed it in Parliament; it took away our power of getting into Birmingham; it curtailed our line, as a short line to Wolverhampton.

3904. Mr. *Laffan.*] Your agreements with the London and North Western are inoperative, as far as the working goes, between Wolverhampton and Birmingham, but they are operative as between Wellington and Shrewsbury; there you are working a line in conjunction with them, and you propose to introduce on the line which you are working in common with the London and North Western, the mixed gauge, to which they so much object?—Yes; the London and North Western Company would be so far affected, that they would have to work over that part of the line on the mixed gauge, but in no other way would the North Western be interested between London and Birkenhead.

3905. *Chairman.*] What is the nature of your arrangement with the Great Western; does it secure to you a certain guaranteed dividend?—A Bill for amalgamation would secure to us a certain dividend out of the traffic between London and the north.

3906. That is to say, it is a fixed guarantee, irrespective of the earnings?—No; dependent on the earnings.

3907. A specified proportion of the earnings?—Yes, it is.

3908. Mr. *E. Denison.*] What becomes of the interest of these shareholders of whom you have spoken, who have an interest amounting to 190,000 *l.* in the Stour Valley; how do they like you trying to starve them, by preventing traffic going over that line, because we have just heard that you made an arrangement not to exchange traffic with the London and North Western; that is, you will prevent the traffic going over the Stour Valley line as much as ever you can, in which your own shareholders have a considerable interest; how do they like that?—They have a larger interest in the other line; that is the only way in which these guaranteed shares are connected with our other shares.

3909. *Chairman.*] Is this the effect of your representation, that as the matter now stands a man cannot go by the shortest line from Shrewsbury to Birmingham, because by the arrangements made at Wolverhampton to impede him he is prevented from deriving the advantage of the short line?—Certainly.

3910. Then if you carry into effect your arrangements with the Great Western, the man will not be able to go by the shortest line, the narrow gauge line, from Birmingham to Shrewsbury, because at Wolverhampton you will make arrangements to impede him, in order to favour the traffic of the Great Western. Is not that so?—No, I think not. I was going to state the narrow gauge would still be continuous between Shrewsbury and Birmingham, because it is a mixed gauge between Wolverhampton and Birmingham.

3911. You stated that you made an agreement to exchange traffic with nobody but the Great Western?—Yes.

3912. Is not the meaning of that, that precisely the same sort of impediment which you say the North Western opposes to you at Wolverhampton you will be bound by that agreement to oppose to them?—No, we should be happy to take all their traffic, which is what they refuse to take from us.

3913. What is the meaning of an agreement that you will not exchange traffic with anybody but the Great Western?—It means that we shall not forward traffic to London by any other route than the Great Western.

3914. Then supposing a person desiring to transport either his person or his property from Shrewsbury by your line, and then through the means of the London and North Western communication to London, which is the nearest route, you would take care at Wolverhampton that he and his goods were transferred to the Great Western, and were carried by the longest route?—He would have the choice himself of stopping at Wolverhampton.

3915. No doubt, just as your passengers now have the choice, which you have stated is no choice at all, by stopping and going up stairs and down stairs at Wolverhampton; would not that be the effect of it?—Not precisely so; they would come on the Stour Valley line, and they could be taken on, if they chose to go that way.

3916. Is your grievance that the North Western exercise their powers to inconvenience people at Wolverhampton, and to render it no longer the interest of the travelling public to take that line?—That is one of the grievances.

3917. Then, if this arrangement be carried into effect, you will not only have the same power of doing the same thing, but you have entered into a pledge to the opposite side, namely, the Great Western, that you will do it?—We should certainly book our passengers by the Great Western.

3918. Is it the effect of the arrangement which you have just been disclosing to the Committee, that you are under terms to give so great a balance of convenience to goods and passengers in the direction of a longer route, namely, the Great Western, as may induce the traffic to be diverted from the shorter route, namely, the North Western?—That is not so; the route of the Great Western is the shortest of the two.

3919. Answer a little more directly. Do you mean that the nearest line from Shrewsbury to London will be round by Oxford?—No, that will be the longest; I thought you were speaking of Birmingham.

3920. Your complaint being that the North Western now will not let goods and passengers go by the nearest road from Shrewsbury, have you or have you not disclosed to the Committee the proposed arrangement under which you will compel passengers from Shrewsbury to London to take the longer road, namely, the road round by Oxford, instead of the shortest road?—Certainly that is so; we have made that arrangement.

3921. What you want is, not that an arrangement adverse to the public interest should be removed altogether, but that in lieu of an arrangement adverse to the public interest and adverse to you, there should be substituted a new arrangement adverse to the public interest, but also adverse to the North Western?—I should say no. My answer is, that the arrangement with the Great Western is not adverse to the public interest.

3922. Do you consider it adverse to the public interest that goods and passengers should be diverted from the shorter and more natural route?—No, I do not; the distance can be accomplished in a shorter time by the Great Western line.

3923. Then what inconvenience is there in the circuit which is made from Shrewsbury by way of Stafford to Birmingham, on any other ground than that which has been referred to?—The gauges are there the same; on the route to London there are two gauges; the broad gauge at a greater speed accomplishes every day the distance in the same time that the London and North Western does.

3924. Suppose that a passenger desires to go by the shorter route on the narrow gauge, do you think it no inconvenience that he should be compelled to take the other route, whether he likes it better or not?—Certainly.

3925. If you are to make such arrangements as will compel him to go by the other route, how can you say it is not contrary to the public interest?—To that extent it would be.

3926. Then your former answer, in which you said it was not contrary to the public interest, was not a correct answer?—I was looking at the interest of the party; if the party merely wanted to be conveyed to a place in the shortest possible

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possible time, he could have no interest in going by one route rather than the other.

3927. You conceive it would be better that the Shrewsbury and Birmingham Company should judge of the interest of the travelling public for them, rather than that each individual should judge of his own interest and convenience for himself?—Yes, so far as we have to do with it.

3928. Mr. *Bright.*] If your arrangement was completed with the Great Western, would not the route be, that the Shrewsbury passengers who wished to come from Shrewsbury to London would be booked through by the Great Western?—Yes.

3929. But if a person did not wish to go to London, but to Northampton or Tring, what would become of him when he got to Birmingham?—Passengers would always have to choose; our alliance with the Great Western would not alter the position of Shrewsbury with the London and North Western.

3930. Your trains might not run so conveniently that a man could leave your train at Wolverhampton or Birmingham, and go on straight by the North Western to any of those intermediate places?—The London and North Western have a separate route altogether, by way of Stafford along the Trent Valley, from Shrewsbury up to London; therefore, as far as that traffic is concerned, the alliance with the Great Western would not interfere with them.

3931. Can the London and North Western run also from Shrewsbury along the Shrewsbury and Birmingham line?—No, only as far as Wellington, where it is joint property.

3932. Mr. *E. Denison.*] You have said that your agreement is not to exchange traffic with any company but with the Great Western?—The London traffic.

3933. Mr. *Bright.*] Is that stated in your agreement; does that refer entirely to the London traffic?—Yes.

3934. Mr. *E. Denison.*] Does it refer to nothing intermediate, such as has been referred to by the last Honourable Member, who asked you what is the agreement; does it confine it to London?—All traffic that we can exchange with the Great Western we are bound to exchange with them.

3935. Mr. *Bright.*] (To Mr. *Knox.*) At present, starting from Shrewsbury, passengers of necessity are taken round by Stafford, are they not, to come to Birmingham and London by the North Western Company?—Yes.

3936. Difficulties are placed in your way at Wolverhampton or Birmingham, which make it more convenient for persons to go round that way?—Yes, they are prevented from booking through to Birmingham.

3937. Then, is it your argument, and your case, that for all passengers from Shrewsbury coming to London you offer a better mode of transit to London, by the proposed arrangement, than they have now going round by Stafford?—I do not think so to London, because going to Stafford they would go along the Trent Valley, and get there about the same time.

3938. But to Birmingham?—To Birmingham we do; that takes them 15 miles further round by Stafford.

3939. Is the difference from Shrewsbury to London by the Great Western about the same as by Shrewsbury to London by the Trent Valley?—It is about nine miles further by the Great Western.

3940. Your argument is in that case that nine miles is made up by the extra speed that the Great Western runs at?—Yes, from Shrewsbury it is so.

3941. Mr. *Henley.*] If this bargain was carried out, it is perfectly open to a passenger at Shrewsbury, wishing to go himself or send his goods, either to go by your line and the Great Western, or by the North Western and the Trent Valley line to Rugby, or to London, as he pleases?—Precisely.

3942. It would not affect him the least in the world?—Not at all.

3943. Mr. *Laffan.*] That applies to Shrewsbury; how far does it apply to towns beyond Shrewsbury, between Shrewsbury and Chester; you said you were in a strict alliance with the Shrewsbury and Chester Company?—Yes.

3944. Therefore, by that agreement you would be compelled to send the whole of the traffic coming up to London from towns between Shrewsbury and Chester by the longer route of Oxford, in preference to the shorter one of the Trent Valley?—We should.

3945. The inhabitants of those places would not have the choice that the inhabitants of Shrewsbury would?—Not unless they stopped at Shrewsbury.

3946. Mr. *Bright.*] Have the differences which have existed for so long a time between

between your company and the North Western been the means of inducing you to make this arrangement with the Great Western?—They have. We consider our line between Wolverhampton and Liverpool a competing line with the London and North Western Company, and we cannot expect them to give us any portion of that traffic; therefore, upon looking out for other companies to give us traffic, the Great Western, which was open to Birmingham, was the natural ally for the Shrewsbury Companies, and it is simply this competition which has arisen between Wolverhampton and Liverpool that has been the commencement and the occasion of all our contests with the London and North Western Company; and one great purpose of our coming before this Committee is to state that the principle of a territorial division, giving to the North Western Company that district, would effectually ruin our small company.

3947. That is, if your amalgamation with the Great Western were not permitted?—Yes.

3948. *Chairman.*] Is there not a proposal before Parliament, or, at any rate, before the public, in some shape, for amalgamating your company with the London and North Western?—That is brought in, not by the Shrewsbury and Birmingham, but by a portion of the shareholders, and by the London and North Western Company.

3949. What are the proposals of that arrangement in its general terms?—To give a certain fixed dividend, and to take the line. The Shrewsbury Companies, as far as those who have the management of them are concerned, merely press this point, that we must be amalgamated with either one or the other. If we are allowed to remain independent, and the district assigned to the London and North Western Company, we are rendered helpless, as we are in fact at present; our competition with them is obstructed at Birkenhead by an alliance with the Birkenhead Company, so that we have the greatest difficulty now, in getting down either goods or passengers to Birkenhead.

3950. Supposing arrangements were made by Parliament for securing to the public, both as regards goods and passengers, the utmost facility of transit to Birkenhead by the nearest route, that is, by the route in which you are interested to Shrewsbury, and onward to Chester and Birkenhead, not amalgamating you either with the London and North Western, or with the Great Western, but efficiently securing that all the traffic which the public desire to send for their own convenience over your lines shall have the free power of going, in what position would you be under such a state of things as that?—We should be comparatively secure of getting all the traffic that belongs to us, and no doubt it would ultimately lead to an amalgamation of the continuous line.—(Mr. *Peile.*) Except that if the schemes which are before Parliament of the London and North Western this Session are sanctioned, they would tap and take away a great portion of our traffic. There are three Bills before Parliament now materially affecting us. There is one from Shrewsbury by Wem and Whitchurch to Crewe, which they might use without it being a violation of the agreement, of competing by way of Stafford. There is another line going from Shrewsbury, by the side of the Severn, parallel to the Shrewsbury and Chester, taking the traffic from Oswestry, including Welshpool and Newtown; that would divert the whole of the traffic from Montgomeryshire and North Wales going to Birkenhead, from the Shrewsbury and Chester. And they have a third Bill before Parliament, which begins a short distance out of the joint station at Wellington, passing over the Shrewsbury and Birmingham, and goes into the mineral field of Colebrookdale, and that district. Those schemes being sanctioned, and every canal in the county being under the control of the London and North Western, we should be helpless, as independent companies.

3951. Do you consider that those schemes were brought forward for the purpose of adding a remunerative traffic to the London and North Western, or for the purpose of the warfare which unhappily prevails between them and other people?—I think for the purpose of warfare, and diverting the traffic that would otherwise pass on our line. I speak with reference to Montgomeryshire and the Colebrookdale district.

3952. Supposing the London and North Western limited their extensions to such extensions as were *bonâ fide* intended for the local convenience of the districts in which they were made; and supposing there was an effectual machinery for giving free transit for goods and passengers from Birmingham by the nearest route to Shrewsbury, and beyond it, how would your position be in such a state of things

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things as that?—I think that if those schemes were sanctioned in those districts, the traffic would be effectually diverted from our lines.

3953. You have said that you considered those particular schemes as not intended to promote local traffic?—No, they would be no great public accommodation lines; there are already competing schemes in one or two of those districts promoted in the interest of other companies.

3954. It is very natural for you to look very much to the interest of the particular company you represent?—Exactly so.

3955. But this Committee, although not insensible to that consideration, look very much more to what is the general interest of the community, in respect of the transit of goods and passengers?—Exactly so.

3956. We come then to your general views on the subject of amalgamation. Do you wish to represent, that if amalgamation be conceded without protecting the interest of those particular lines, the shareholders in those lines will be liable to serious injury?—Undoubtedly.

3957. But that which you do particularly desire to promote is, an amalgamation which, be it with the Great Western or be it with the London and North Western, secures to the lines which you represent the advantages which, under one or the other of the agreements, would accrue to you?—Exactly so. I speak strongly on the subject, being a public officer of the town and the county, and feeling a deeper interest for that, and for the traffic being really developed and carried out, than from my mere professional business connected with the railway.

3958. Mr. *E. Denison.*] (To Mr. *Knox.*) As to the mixed gauge, you have given your opinion that there will be no increased danger in working the mixed gauge?—Yes, that is my opinion.

3959. But although the roadside stations might serve, it would require duplicated stations at the ends, and in great towns?—Yes; it would occasion that additional expense.

3960. The Oxford and Birmingham you said is the only line where the mixed gauge is now laid down?—Where it is laid down. The Oxford, Worcester and Wolverhampton has also power to lay the mixed gauge.

3961. Can you tell how much per mile it has cost of additional expense to lay down the mixed gauge on the Oxford and Birmingham line?—About 1,750 *l.*, I should think.

3962. *Chairman.*] Per mile?—Yes.

3963. Mr. *E. Denison.*] And that independently of the necessary duplicated stations?—Yes.

3964. The additional stations have not been built?—No, they have not.

3965. And you stated that the Wolverhampton station cost 150,000*l.*?—Yes; but duplicating the stations would not duplicate the expense; I merely mean extending the station, making one part suitable for the broad gauge, and the other for the narrow.

3966. Besides the expenses of stations, whatever they may be, there is nearly 2,000 *l.* a mile additional expense in laying down the line itself?—Yes, between 1,700*l.* and 1,800*l.*

3967. *Chairman*] In short, the public ground which you particularly desire to bring before us, appears to be this, that if the amalgamation of great companies were to be sanctioned by Parliament lightly, the smaller companies, who have been established in the same territory, might be injuriously affected?—Yes, that is one; and the other principle, of assigning a territorial district, would equally injure us. If the broad gauge were stopped at Wolverhampton, and that territory assigned to the London and North Western, we should have no Liverpool traffic, to which we consider we are entitled, to Liverpool and Birkenhead. We have repeatedly offered to settle the matter in precisely the same way that the similar contest between the London and North Western and the Great Northern was settled by reference to Mr. Gladstone, by a division of traffic in passengers and goods between certain points, between which we are competing. That has always been refused by the London and North Western Company.

3968. Would not a remedy which insured to you the transit over your line of all the traffic which any members of the public might desire to send over it, be really the same thing as such an arrangement as that of which you have spoken, namely, a division of the traffic?—Not unless it was made a continuous gauge from London to Birkenhead.

3969. You now introduce a new element, applying to your particular case, namely,

namely, the question of the gauge; do you mean, in order to adjudge to the Shrewsbury and Birmingham, and the Shrewsbury and Chester lines that share of traffic which you consider their fair share, the gauge question must be considered, and the question of the propriety of adding this third line of rails must be entered into?—Yes. *J. J. Peile*, Esq., and *G. Knox*, Esq. 2 May 1853.

3970. Do I collect, as the upshot of your evidence, that you wish to lay before us, in connexion with your lines, first, the necessity of protecting smaller lines, when arrangements are made for the benefit of greater lines, and next, the propriety of re-opening the gauge question to the extent of carrying the broad gauge from Wolverhampton to the Mersey?—Precisely so; I should like to mention the very low rate to which this competition has driven us; we are carrying 10½ miles for a penny on the joint line between Shrewsbury and Wellington, and have been for upwards of two years; that is one of the means of squeezing the smaller companies.

3971. Mr. *Laffan.*] You have full power to run over the line between Wolverhampton and Birmingham?—We have legal Parliamentary powers, but have not been able to exercise them.

3972. In what manner have those powers been rendered inoperative?—First of all, the Stour Valley line was allowed to remain for a twelvemonth completed without being opened, and it was only opened on our application for Parliamentary powers to open it ourselves; then, when we gave notice of our intention to run over it, our right was disputed; it was contended that the cessor power, the right of ceasing on an amalgamation with the Great Western Company, had come into operation; we had to go to the Court of Chancery to settle that, and the Court of Chancery decided that the right had not ceased; then we thought we might run over, but then a difficulty was started as to the engines, and as to the tolls not being settled, and so forth, and the process of reference is now going on.

3973. What was the "so forth"?—The question of bye-laws, tolls and engines, and these were required to be referred to arbitration; the process of arbitration is now going on, but it is so tedious that I believe, before it can be settled, the broad gauge will be opened into Wolverhampton; that is my impression, and then, when we do get it—on the 1st of this month, to-day, the London and North Western Company have commenced running trains every half hour between Wolverhampton and Birmingham, 23 trains each way, so that I have no doubt, if the question of the reference were settled to-day, an application would be made by that company to the Board of Trade, or some authority, to exercise a power, even if they did not legally possess it, to stop our trains on account of safety to the public.

3974. Mr. *Bright.*] To stop your trains?—Yes, altogether.

3975. Mr. *E. Denison.*] Running on the mixed gauge?—No, the narrow gauge; they are running passenger trains every half hour, besides their goods trains; therefore it is very easily to be seen that it leaves very little opportunity for the Shrewsbury trains to run on to Birmingham.

Charles Alexander Saunders, Esq., called in; and Examined.

3976. *Chairman.*] HAVE the Great Western Company stations at Oxford, Leamington, and Birmingham?—Yes. *C. A. Saunders*, Esq.

3977. Have they all been constructed with narrow as well as broad gauge lines?—I believe that that is the case.

3978. Is it true that the Midland Company have taken power to force the Great Western to lay down narrow gauge rails in the Bristol Station, and have given them notice to do so?—Yes.

John Swift, Esq., called in; and Examined.

3979. *Chairman.*] YOU have heard the evidence given by Mr. Peile and Mr. Knox?—I have. *J. Swift*, Esq.

3980. Are there any observations which you wish to make in reference to those answers?—Yes; I have only taken a very hasty note of some of their remarks, which I will go over as quickly as I can, premising that not having in the least expected such an attack on my clients, I am only able to give a general and imperfect answer. Mr. Peile, first of all, referred to an agreement, of which he alleges

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a gross breach by the London and North Western Company. That is a very long affair to go into, but I am prepared to lay before the Committee all the papers connected with it, if they think it necessary. It has been the subject of a suit in Chancery, which is still pending, the particulars of which we need not introduce to this Committee; but when Mr. Peile says we have grossly broken the agreement, or something which will bear that construction, I would merely say, on the contrary, that the last stipulation in the agreement is, that every dispute under it shall be referred to Mr. Robert Stephenson, as arbitrator, and that in the course of that suit, wherein all these complaints of Mr. Peile have been stated, Mr. Robert Stephenson, having read their complaints, has made an affidavit in the suit, stating upon his oath, that the Shrewsbury Company itself had broken entirely the good faith of the agreement, and had contravened the understanding upon which the agreement was come to from first to last, and therefore disentitled themselves to any benefit from the agreement at all. Then Mr. Peile says that we have declined to interchange waggons or traffic at Wolverhampton. The fact as to that is, that the Shrewsbury Companies have made various agreements with the Great Western Company, our opponents, one of which only, out of eight or nine, has Mr. Peile produced, which agreements not only prevent the Shrewsbury Companies from giving us any traffic at all, but which bind them to amalgamate themselves with the Great Western Company, and forbid them to exchange traffic with any other company whatever, there being others in the neighbourhood. There are several other clauses in those agreements which I could point out as equally unfair, but the effect of them all is what I have stated; so that they are asking us to exchange traffic with them at Wolverhampton, and give them every facility at Wolverhampton for giving them traffic, until, as Mr. Knox says, next September, when they are to hand it all over to the Great Western, and give us none. Then reference was made by Mr. Peile to the Wolverhampton station, as having caused very great inconvenience to the public. I believe the disputes about that station have been very numerous. At last, under the direction of the Board of Trade, Mr. Labouchere first, I think, and afterwards Mr. Henley, the disputes were referred to Sir William Cubitt, as an independent engineer. He was proposed by the Shrewsbury and Birmingham Company themselves, and he did settle our disputes after great trouble and delay; for, as Mr. Knox says, there is great delay in all these questions; that delay, however, was not caused by the London and North Western, but was their own delay; the result was, the award of Sir William Cubitt, doing that with the station which we had proposed all along. Instead of submitting to that award, the Shrewsbury Company applied to the Court of Queen's Bench to set it aside on a technical ground, and it was set aside. So much for our interference with the traffic at the Wolverhampton station.——(Mr. *Peile.*) Sir William Cubitt had divided into two stations that which the Act of Parliament said was to be one station. We protested against that, as having gone beyond the Act of Parliament, and therefore the Court of Queen's Bench set it aside.——(Mr. *Swift.*) Just before the reference to Sir William Cubitt, the Shrewsbury and Birmingham members of the joint station committee, had themselves agreed that nothing would do but a separation of the station, which nevertheless was thus upset by their Board, and Mr. Knox was one of the members or the secretary of that joint committee. Then Mr. Peile referred to the obstruction put by us into the way of the Shrewsbury and Birmingham, as respects the running clauses over our Stour Valley line. The first and general answer to that is, that the Act of Parliament which gave gave those running clauses, which Mr. Peile referred to, contains a stipulation that, if the Stour Valley Company should become united or amalgamated with the Great Western Company, those running powers should cease; and when the Shrewsbury Companies have agreed to exchange their traffic with the Great Western, and with nobody else, and have specifically contracted not to give any part of it to us, we, not unreasonably, thought that that was a practical amalgamation, and we therefore said that those rights of running over our line had ceased; though I believe it is quite true, as Mr. Peile has stated, that on subsequent legal proceedings, some one of the courts did decide that, according to the language of that Act of Parliament strictly, although those agreements with the Great Western Company had been made, there was not that which the law could call amalgamation; and therefore the right of the Shrewsbury and Birmingham survives till next September, when they of course will cease, because then the Shrewsbury must, under their agreement,

ment, give the traffic to the Great Western line, which will then be open. Then, I beg to mention, that we pay an enormous rent, many thousands a year, for the Stour Valley Railway; the cost of it is very near a million, and we pay a rent of two-thirds of our dividend on that cost, of which rent the Shrewsbury and Birmingham receive one-fourth; and yet they, the part lessors, so receiving one-fourth of the rent, contract nevertheless that they will take away from the line all the traffic they possibly can, and give it to the Great Western. It is surely always an understanding between a lessor and a lessee that the landlord shall not take the land back again if the rent is to be paid. Mr. Knox, or Mr. Peile, then referred to the disagreeable competition to Liverpool between the Shrewsbury and North Western. That competition arose in this way: so soon as the Shrewsbury line was ready to open, Captain Huish, our manager, wrote to Mr. Roy, who was the corresponding officer in the Shrewsbury and Chester Company, and to Mr. Knox in the Shrewsbury and Birmingham, those two companies having a joint traffic committee who act together. Captain Huish wrote to know what their intentions were with respect to fares, when they were opening against us the parallel line by Birkenhead to Liverpool. Their answer was, that they proposed to begin at a reduction of 40 per cent. below our fares; and to do anything else that might be necessary to obtain what they consider their proper share of the traffic. We offered to agree that both routes should charge the same fares, and then, if the public thought theirs the better line, the public would go by it. They declined that; and when their line was opened, they forthwith did begin this violent reduction of fares, of which they now so much complain, and they have got our through fares, which were about a guinea, down to 5*s.* 6*d.* We of course followed them in all the reductions they made, and this is really all they have to complain of against us; we carry now, I believe, at 5*s.* 6*d.*

3981. Mr. *Bright.*] From where?—From Liverpool to Birmingham. I should state, as I have said in this chair before, that although these quarrels tend much to the inconvenience of the public whilst they last, they do not concern the public much, as regards ultimate profit; for I should also state, that these Shrewsbury gentlemen offered, instead of any disturbance or competition, or anything of that kind, that if we would give them 250 *l.* a week, they would give up the competition altogether.——(Mr. *Peile.*) I never heard a word of that.——(Mr. *Knox.*) I never heard of it.——(Mr. *Swift.*) I will produce the evidence upon which I have made that statement, if the Committee will allow me to do so, another day. Then Mr. Peile mentions, as one of the grievances, that the London and North Western Company have not made the Crewe and Newtown line, which the Shropshire Union had had power to make, and which is referred to in the agreement which he originally mentioned. Now, the fact is, that we have this Session Bills before Parliament for making substantially those very lines, and Mr. Peile's company are themselves petitioners against such Bills; the original lines went indirectly to Shrewsbury, and the present ones go there directly. The original lines joined the Shrewsbury and Chester somewhere near the red line (*referring to the large map*), and would have taken the people from Newtown and Crewe round by the word "Ellesmere" to Shrewsbury, whereas ours go direct to Shrewsbury; so that a man coming from Shrewsbury to Crewe (Crewe is on the map near the word "Nantwich"), instead of going as we now propose to take him straight to Crewe or to Newtown, would have gone round by the point where the word "Ellesmere" or "Rednall" is written. Mr. Peile then said, those lines of ours were fighting lines against his company. Now, with respect to the first one down to Newtown; we did not start it at all; it was started by local people, along the line and at Aberystwith. Then as to the Crewe line, several were proposed, and none of them by us. Mr. Peile himself started one of them; some local people started a second; then, and not before, we proposed the one now before Parliament, and that very much at the request of three or four large landowners, whom, if the Committee wish, I will name, and who wished the line made; it is now going on with the hearty concurrence of the landowners generally, and all but unanimously; and there will be no opposition, I believe, except from the Shrewsbury Company, Mr. Peile's clients. Then Mr. Knox said they opposed the grant of the Stour Valley lease to the London and North Western Company. That they did; they petitioned against it on some ground, and they withdrew the petition on the settlement of the lease, and upon our agreement to pay them some further sum of money, the amount of which I now forget.——(Mr. *Knox*). No.

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it was upon obtaining running powers.——(Mr. *Swift.*) Yes, I was going to add, and upon their obtaining the running powers which are in the Bill. Then Mr. Peile said that the original line of the Shrewsbury and Birmingham was to go to Birmingham, but that they were reluctantly forced out of the Wolverhampton to Birmingham by the London and North Western Company.——(Mr. *Peile.*) I do not know that I said "reluctantly forced out of it by the London and North Western."——(Mr. *Swift.*) Now the facts were these: there were two lines proposed from Shrewsbury; first, was Mr. Peile's, called the Shrewsbury and Birmingham, and extending from one to the other of those towns; and the second I was solicitor for, not having then any connexion with the London and Birmingham Company, our line extending only from Shrewsbury to Wolverhampton, and called the South Staffordshire and Shrewsbury Company. These two Shrewsbury Companies were ultimately amalgamated, under an agreement which, myself was party to. By that agreement my Shrewsbury Company positively stipulated that the amalgamated company's line should stop at Wolverhampton, and that had nothing to do with the London and North Western Company.——(Mr. *Peile.*) That was after the arrangement was made.——(Mr. *Swift.*) No, it was not; I will produce the agreement to-morrow; it is in writing. Then there were some statements made by Mr. Knox, I do not know whether he afterwards withdrew them, about the Great Western line being shorter than the London and North Western. It is not the fact that the Great Western is shorter anywhere, whether to Shrewsbury, or Birmingham, or anywhere else. Then it was said by Mr. Knox, that those agreements of his company with the Great Western refer only to through traffic; and later in his examination, he said that it applied only to London traffic. Now, it applies to Leamington, Warwick, Banbury, Oxford, and many other places, and, of course, all the adjacent country; and after the amalgamation of the Shrewsbury lines with the Great Western, which would take place if the Bill now before Parliament were to pass, it would apply to all places, because when the two are one company, they would not give the traffic to any third company. Then Mr. Knox says that territorial division between companies would be bad for them, as an independent company; but it happens that the shareholders of the Shrewsbury and Birmingham want to be amalgamated with the London and North Western, and Mr. Knox and the directors want to be amalgamated with the Great Western, and they have agreements with both of us, and thus they would be protected in either view of a division of territory. Then Mr. Knox said there were difficulties even up to this moment in their use of the Stour Valley line, in a variety of ways, and he mentioned bye-laws, engines, and tolls. As to the bye-laws, I believe I can refer to an officer of the Board of Trade, who is present, and can state that the bye-laws were settled by the Board of Trade With regard to the engines, that is a matter which has been referred to arbitration, in the manner prescribed by the Act of Parliament. The arbitration as to the tolls is now pending. I cannot tell what the result of that arbitration may be, but arbitration is the mode provided by the Act of Parliament for settling the question. I do not see what particular grievance can be made out against the London and North Western.——(Mr. *Knox.*) We have offered to pay the maximum toll that they can possibly get by their Act.——(Mr. *Swift.*) If Mr. Knox states that seriously, and if his chairman, who is now in the room, will repeat it, I have no hesitation in saying that they may use the line to-morrow. There has been an offer to deposit a sum of money. But if we let them use the line without settling the tolls demandable, we shall never get the money, and there will be no end to the dispute. I say again, if the chairman, who is now in the room, will make the agreement, which Mr. Knox states they are willing to make, I will now go into the next room and make that agreement with him on the part of the London and North Western Company.——(Mr. *Knox.*) I repeat, again, that, pending this question of arbitration, we will pay the maximum tolls until it is decided, and we shall not ask you to repay any of it back if the reference should fix a lower amount.——(Mr. *Swift.*) If Mr. Clive will confirm that, the matter shall be ended at once in the way I have proposed; but indeed, as the Committee will see at once, no agreement is necessary, because, on payment of those tolls, they are entitled to use the line to-morrow, if they are willing to pay them.

3982. *Chairman.*] (To Mr. *Swift.*) Then, what we understand you to say is, that on payment of the maximum toll every facility shall be given on the part of the North Western Company, so that, not in name, but in reality, they will have

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the free use of the line?—Supposing the question of bye-laws and engines got rid of which are under arbitration, I say, on the question of tolls, most distinctly, that if the company are now prepared to pay the toll which Mr. Knox says they are, so far as that objection goes there will not be the smallest impediment to their using the line to-morrow. But so far as the bye-laws are concerned, the Board of Trade must settle them.——(Mr. *Knox.*) We will go to the Board. But as to the engines we are running, we are running the same engines over the joint line.——(Mr. *Swift.*) There is at this moment a reference pending as to the subject of engines. But that is to go to the Board of Trade, if there is ultimately a dispute about it between the Shrewsbury Company's arbitrator and ours.

3983. *Chairman.*] (To Mr. *Swift.*) You were understood as stating to the Committee, that upon the terms that they will pay what Mr. Knox has expressed their willingness to pay, every possible facility shall be given to them by the North Western to use the line between Wolverhampton and Birmingham?—When those other questions are settled which are now under arbitration.

3984. Which other questions shall be brought to an immediate and prompt settlement?—So far as we are concerned, undoubtedly; all others I think are settled.——(Mr. *Knox.*) To give the Committee an idea of the matter, the question of engines was refused to be settled till we got a machine to weigh the engines separately, which was a question of eight months; this question of engines has been in discussion now eighteen months, and is not settled yet.——(Mr. *Swift.*) That is not our fault.——(Mr. *Knox.*) We are running the very same engines over the line between Shrewsbury and Wellington at the present moment.——(Mr. *Peile.*) And into the joint line at Wolverhampton.

Colonel *Biddulph*, a Member of the House; *George Hammond Whalley*, Esq., a Member of the House; and *John Girdwood*, Esq.; Examined.

Col. *Biddulph*, M.P. *G. H. Whalley*, Esq. M.P., and *J. Girdwood*, Esq.

3985. *Chairman.*] (To Colonel *Biddulph.*) YOU are the Lord Lieutenant of Denbighshire?—Yes.

3986. Are you the owner of coal property in the neighbourhood of Chirk?—Yes.

3987. (To Mr. *Whalley.*) Are you the owner of coal property at Ruabon?—Yes.

3988. (To Mr. *Girdwood.*) Are you the agent of Colonel Biddulph?—Yes.

3989. (To Colonel *Biddulph.*) You are desirous of giving evidence before this Committee, on the subject of railway amalgamation, as it affects the transit of coal?—I am anxious to give evidence of the evils of the present system; I do not presume to point out a remedy for them.

3990. Will you state what you wish to lay before the Committee?—Under the present system of traffic arrangements on the Shrewsbury and Chester Railway, we believe, that in consequence of the directors of that railway being the owners of large collieries themselves, there is a preference given to the conveyance of their minerals over that of others who are not connected with the direction.

3991. What directors are you speaking of?—Of the Shrewsbury and Chester; we conceive that the public will never be fairly served as long as there is that interest in the direction of this line, which is adverse to the public who are not members of that Board; they have an interest of their own in throwing obstructions in our way.

3992. Will you explain what is the nature of the obstructions, and how they effect the object which they have in view?—I think, on these details, Mr. Girdwood is better able to give information than I am.

3993. (To Mr. *Girdwood.*) Will you state what information you have to give?—One of the ways in which they effect this object is, that they take advantage of the words in the Railways Clauses Act, "under the same circumstances." They interpret these circumstances to mean a certain quantity of minerals; therefore if any one sends beyond a certain large amount, they carry his coals at a very moderate rate. Several of the directors are themselves largely interested collieries on on the line, and Mr. Roy, who was lately the secretary, the engineer of the line, and several other officials, have a large number of collieries, which they have combined in one great concern, and then they say, "If you carry a very large quantity of minerals over the line you will be charged a certain low rate per ton per mile; but if you do not send that quantity you will be charged a much higher

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per ton per mile." The result is, that a person who has a small colliery, or a small mineral property of any kind, is dealt with on very different terms from those who have large ones, and thus the railway system has been made the means of a monopoly, and of crushing individuals of small property. Take the case of a small mineral property, which is the only property of the individual who owns it, and has afforded him the means of livelihood; by-and-by a railway is made, and affects all the other means of communication, at least, the means of carrying minerals economically. You must use it; you cannot compete with it on common roads; the result then is, that such a person has to pay for the same distance, say twice the price for carriage for his minerals. If he carries 20 miles this may make a difference of a shilling a ton on his coals, and that is sufficient to shut him out of any market.

3994. The case with regard to coals has been brought before the attention of this Committee, and the answer has always been that the charge is made lower because it is reasonable for the company to charge a lower rate where the amount of minerals sent is large, and at the same time the economy of the company in conducting the carriage is greater?—I think if the bulk is broken, if half a waggon were sent, that argument would hold good; if an individual undertakes to fill one, two, three, or four, or any number of waggons, he ought be treated on the same terms as a person who fills 10 or 20.

3995. Mr. *W. Patten.*] Do you mean to say that, as the traffic is at present conducted, if one of the directors of the company have 10 waggons to take down to Chester, and you have 10, that the company would charge the director, who has a larger colliery than yourself, a less sum for his 10 waggons than they would you?—Yes; if the total quantity sent per year was greater, exceeding a certain arbitrary number of tons.

3996. If one customer has a larger quantity of coal to carry in the year than another, they would charge him a reduced price for the same number of waggons that you would carry?—Decidedly so; that is so.

3997. If you had 10 waggons in the same train and he 10, he would be charged a less price than you?—Decidedly so.

3998. *Chairman.*] Do you mean to state, as your decided opinion, in regard to this particular company, namely, the Shrewsbury and Chester Company, that that is not done from any *boná fide* consideration of economy, convenience, and advantage to the railway company, but, on the contrary, is done in order to promote the welfare of certain collieries as opposed to that of other collieries?—I certainly do think so, and I should like to add this explanation: that at the time some inquiries took place before, with reference to this subject, in which a committee of the railway company acted, we discovered, in fact it was admitted, that large contracts were made. The directors had beforehand made up their minds what special rates they would take; and knowing that, they went to parties and said, "Now, we are prepared to deliver you so much limestone at such and such a price," of course it gave them a great advantage in the market, because we could not go to other parties and say, "We will deliver you so much limestone;" because we could not know beforehand for what they would carry it; therefore they thus got an advantage over us.

3999. Do you mean to impute that, by reason of priority of knowledge, they were able to get the first choice of the contracts in the market?—Yes.

4000. That is a different charge from the other: they did charge all persons the same, but that the directors of the company availed themselves of priority of information to get the contracts; is that what you mean?—Precisely. In reference to the other question, as to the advantage to the company in carrying at those cheap rates, I believe it is a very doubtful question whether the low rates which they take from certain of their own directors pays the company at all; whether the wear and tear is not greater than the remuneration they receive.

4001. How does it happen that the gentlemen who are directors of this line are great coalowners; is it a fact that they joined the line, and became directors?—I believe the following is the origin of it: that a company called the North Wales Mineral Company formed a line in the district; some quarrel took place among them, and they disposed of the line to the present directors, who are coalowners on it; Mr. Roy, and others. It was a short line, called the North Wales Mineral line, but in the course of time, when the railway system became more developed, they extended it on to Shrewsbury; it merely went, at first, from the Brymbo coal-fields to Chester.

4002. What do you desire to be done; would you desire that Parliament should compel them to find engines at the same charge for all persons who have full truck loads?—I would, decidedly.

4003. Do not about two score of trucks go to a load?—Sometimes.

4004. Suppose a person had two score of trucks ready for the engine, would you have that person dealt with on no more favourable terms than the man who had 10 trucks, or five trucks?—I think decidedly so; he is entitled to be charged on entirely the same principle. I think railroads have upset all our means of transit, and with reference to such goods as minerals, they are so very heavy, that it is an important affair. I think it is exceedingly hard that Parliament should take a man's property out of his hands, and allow a railway to be made over it, and then permit this railway to be made the means of ruining him, as in the case I mentioned, of some property which might afford a man a thousand a year, but which suddenly, by these special rates, is taken out of his hands, and rendered absolutely worthless. I think this great question has not received sufficient attention in Parliament.

4005. Suppose one man has 40 trucks, which are to go 20 miles, and another has five trucks, which are to go five miles, would it not be remunerative to the company to carry for the first, at a price which it would not be remunerative to carry for the last?—In so short a distance as five miles it might be; but I do not think it would make much difference between five and twenty trucks.

4006. Suppose the trucks had to go to the same distance, could the company afford to send eight engines for the same cost that they could send one engine?—No, decidedly not.

4007. If a man provided 40 trucks at the rate of five trucks at a time, it would require eight transits?—Yes; but the way in which the service of the line is carried on is, that an engine travels down the line, taking the trucks from the different sidings where they are waiting loaded.

4008. Is this the kind of question that you think should be settled by arbitration, or do you contend for the absolute enforcement of the principle that for every truck load they should find engine power at the same rate?—I think decidedly so.

4009. Is the latter point that for which you contend?—Decidedly so.

4010. Even although it could be proved that what was remunerative in the one case was not remunerative in the other?—Decidedly; I think that as railways have become the highways of the country, every one should be able to use them on the same terms. They should not be made the means of crushing enterprising men of small means for the aggrandizement of capitalists.

4011. Then you do not contemplate that they should carry below what would remunerate them?—Decidedly not.

4012. Therefore you think that the larger coal pits, which would be able to supply the public with coal at a lower price, should be raised up to a level which would enable them to carry from the small coal pits at the same price?—I would have the carriage for all coals and all minerals made at the same rate per ton per mile.

4013. So that the coal which happens to be situated on the least advantageous terms should be brought to market at the expense in a certain degree of coal which is situated on the most advantageous terms?—No, I did not contemplate that; I should expect to see it carried at a remunerative rate per mile per ton.

4014. You have admitted that there may be coals where a low rate would be remunerative to the company, while in other instances, differently situated, the same rate would be unremunerative; and you have stated that the rates should be so adjusted that they should be equal to all, and yet be remunerative to the company; does it not necessarily follow, from those premises, that in regard to the first coals mentioned the rates must be raised?—I think there are very few cases indeed where one truck of coals could not be carried at the same price per mile as any other truck. There might be some very peculiar exceptions where, from bad gradients, a siding, or something of that kind, it might cause a greater expense; but, as a general rule, I do not think there would be any difficulty in the carriage of one truck load of coals at the same rate per ton per mile that you would carry another truck load.

4015. Do you mean to say, that if the plea of its being cheaper to conduct a large traffic than to conduct a small one is urged, that the companies may safely disregard that plea, and consider it wholly worthless?—I think decidedly so. I think they are the highways of the country.

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4016. Mr. *E. Denison.*] Supposing they took 40 trucks for one individual, and 40 trucks, picking them up at different sidings near at hand, for five individuals; do they charge less to the party who supplies the 40 trucks than they would charge to the five individuals who collectively forward the 40 trucks?—It might so happen they might charge the individual who sent the 40 trucks more, if he was not an individual who contracted to send a large number per annum. Suppose a man sent no more than 40 in the year, and that at one operation, and the other five individuals sent five trucks a day, they would get carried for the least freight. It is not in relation to the particular occasion, but in relation to the whole year's traffic; so that if you send, say 5,000 *l.* worth of "carriages" over the line in a year, it shall be carried for you at a certain price; if you do not, you shall be charged a certain other price. You may send 40 trucks once a year, and the other men will be sending five a day, and they will be charged less than you.

4017. Mr. *Laffan.*] Traffic that is very regular, and that calls for the same amount of locomotive power, can be conducted at a much less economical charge than a variable and irregular traffic, that sometimes gives them very little to do, and at other times overtaxes their power?—No doubt it would; but the general result is, that the traffic is very regular over the whole of the line, even with those individuals who sell small quantities, because they go on sending at regular times, and the trains are so adjusted as to meet the demand.

4018. Mr. *E. Denison.*] You mean, at all events, the traffic of three or four individuals should be so arranged, that engines can have an equal load, and that they should be charged equal rates?—Equal rates per mile per ton.

4019. *Chairman.*] (To Mr. *Whalley.*) Have you any observations to make upon this point?—If the Committee will allow me, I think I can explain it. The point to which the questions have been directed does not at all apply in this instance, because this company has entered into an agreement with Colonel Biddulph and myself, as principal coalowners in that part of the country, that the traffic of our tenants shall be carried on the same terms, as low, and with as great facilities, as are afforded to every other party; and that agreement was obtained after two or three applications to Parliament by Colonel Biddulph and myself. It was the result of an arrangement made outside the Committee-room. Speaking for myself, I am not particularly interested in showing that there is favour of this kind practised to other persons, to the injury of myself; but my wish is to point out that, so long as persons in the position of directors, who have, as in this case, the exclusive management of the line, are traders, it is not so much the injury which is done to existing interests which is to be apprehended as it is the absolute stoppage of all enterprise in the district, because the parties who would otherwise expend their capital in coal mines, or works, or trade of any kind, will not do so while they are exposed to the competition of persons who have the control of those lines. It is not so much the specific instance of favour, as the continual dread of the innumerable disadvantages which can be placed in the way of those competing with them, or to whom they may be opposed; or, as is the case with Colonel Biddulph and myself, who may have given them, unintentionally or otherwise, offence; as an instance of which I may mention, in my particular case, one colliery which I let to a tenant of mine for 2,500 *l.* a year. He was entirely ruined by, as I conceive, the deliberate and wilful disregard of the interests, as well of the company as of the public, in not affording him facilities for carrying his traffic. That particular colliery was thrown on my hands, and was depreciated, and is depreciated in common with the whole district of collieries in that country to, I may say, one-fifth part of its previous value. Both Colonel Biddulph and myself have been the persons who have been prominent parties; we have been comparatively independent of this company, by reason of having the canal also as a means of conveying our goods; whereas those who have been entirely dependent on the railway company have never dared to hold up their hands against them. When they have been required to sign petitions declaring that they are satisfied, they have readily done so; although the general feeling of the country is, that the interest of the public, the owners of coal property, and every other kind of property, since this line opened, has been as much sacrificed as it was possible for such a traffic to be sacrificed.

4020. *Chairman.*] Is what you contend for that there should be power to arbitrate in such matters, or that the strict rule of carrying for everybody at the same rate should be enforced?—I should ask for nothing more than the means

of

of appeal on the part of myself or tenants, or any persons aggrieved by the particular circumstances; and admitting all that you have said as to the expediency of allowing different rates under particular circumstances, I should insist that the merits of each case should, if required, be arbitrated by the Board of Trade, or some other authority. I beg leave to add this: that having had our attention called particularly to the competition in that district between the Shrewsbury Companies and the North Western, my impression, and I believe it is the general feeling, is that the starting up of this competition between the Shrewbury line and the North Western was nothing more than a device by which that company could be retained under the management of those particular persons who are interested in the traffic. Five or six years ago it was pointed out to the shareholders that they were being sacrificed by these parties. The natural result was, that the shareholders became dissatisfied, but immediately after the question of competition started up, which made certain persons indispensable as managers of the company; so that persons who are in danger of being removed by the shareholders from the management of a line, find it their interest to set on foot contention and litigation. The Shrewsbury Company found it desirable to start a competition and litigation in order to secure themselves in the management and possession of the line; that is the feeling there. We regard competition as the greatest evil that could possibly happen to us. We cannot see what possible good can arise to the district. It has prevented the extension right and left of branches from the Shrewsbury and Chester, and it has had no other effect than to be a screen for the particular plans or attacks, or whatever they may be, of the persons who, from the beginning, have had the management of these lines; and while no beneficial object can be attained for the public, the property on the line, and also the interest of the company itself, seems to have been entirely sacrificed.

4021. Have these complaints been brought before Committees of the House of Commons?—They have.

4022. Have they been investigated by a committee of shareholders of the Shrewsbury and Chester Company?—It was, but the committee was appointed by the directors themselves.

4023. What was the result of the investigation in this House, and the House above, on special applications by these gentlemen, setting forth the same ground of complaint?—That we have been in every instance successful. The first instance was, that they refused to make a branch line of railway to my colliery after the tenant was ruined, and on that occasion I obtained a clause compelling to make that line, and it was ultimately made. The other occasion was, when I wanted to have equal protection, and that all parties should be dealt with equally; and although the Committee did not put a clause in, there was an agreement made and signed on behalf of Colonel Biddulph and myself, so that on this occasion we have no personal interest; we appear on the part of the public; we are really more protected than any other person in the district. We have those special favours against the existence of which we protest, as being an injury to all those persons who are excluded from them. With the risk of such favouritism, and the continuance of such proceedings as those of the last five or six years, no person would incur the expense of sinking pits or building factories, or taking any of those commercial operations which involve a large outlay of money. The only remedy is a Board constituted like the Board of Trade, with full powers to afford redress on special matters brought before them.

4024. Is it your intention, in the above observations you have made, to imply personal misconduct to any individual?—Not in the slightest degree; I am merely pointing out the evils of the system.

4025. Do you consider that what Mr. Girdwood said, namely, that the directors were promoting their own personal advantage at the expense of the shareholders, and to the injury of the public, is well founded?—I think it is, and I think they cannot help doing it; if they were disposed to shut their eyes to their own interest they could not avoid it; that is to say, they must have advantages to such an extent as is injurious to the public; because the knowledge that they have of the trade, and the custom of the district, and a power of entering into contracts and other circumstances, necessarily inflicts that want of confidence, as it were, upon other traders, that they cannot enter into competition.

4026. Do you agree with Mr. Girdwood, that they regulate the charges on the line of railway, not for the benefit of the shareholders, not for the convenience

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of the public, but with a view to promote the coal traffic of their own particular estates?—I have reason to believe so from this circumstance, that they have steadily refused every possible means by which we could be satisfied that that was not so. The person who was appointed on the part of Sir Watkin Wynn to protect our interests, instead of doing so, accepted an appointment under the directors of land surveyor, or something of that kind; and when at length, by our perseverance and great expense, we obtained the appointment of a committee to investigate these matters, the committee so appointed would not hear the evidence which I tendered to them; and having been appointed by the directors themselves, made a report in the absence of evidence, and after refusing to hear the evidence, which entirely exonerated the company from all blame.

4027. Was it a committee appointed by a general meeting of shareholders?—No, it was not; the committee was appointed, it is difficult to know exactly how, but in some way or other by the directors themselves.

4028. Mr. *E. Denison.*] It is impossible that the effect of the evidence which you have given upon the minds of those who have not heard it should not be that you charge certain individuals, to whom you have very pointedly alluded, as the proprietors of mineral property, in their character of proprietors of mineral property, and as directors, with the doing of things extremely to their own advantage and to the disadvantage of competitors; if this is not the purport of your evidence, I have very incorrectly understood it?—If you ask my opinion, I will give it.

4029. I do not ask you your opinion; I ask you what you wish to communicate to the Committee?—My object was, to keep personalities as much as possible out of the question, to show the result of the system, whoever might be the individuals. If you, or any other gentleman on this Committee were a director on that railway, and were interested in coal property, the very fact of your being there would have such an effect on the minds of the persons called on to expend large sums of money in opening their collieries, and the knowledge you could not avoid acquiring, and the power you might have of misusing that knowledge, as would prevent the development of collieries all along that line.

4030. *Chairman.*] Before you close your evidence, we must have it distinctly stated, one way or the other, whether you make a personal charge against the directors of the Shrewsbury and Chester line, or any of them, that they have considered their private interest as coalowners to the prejudice of the public interest, and to the prejudice of the shareholders for whose interest they are trustees?—I do. The explanation I have to offer is, that it was my desire, in the evidence I had to give, to avoid any reference to individuals, and to confine myself entirely to those features of the case that are objectionable, whoever might be the individuals, or whatever may be their conduct. But as you have asked me my opinion of the individuals, I state here, as I have stated repeatedly at meetings of the shareholders, and in conjunction with Colonel Biddulph, I have stated in petitions to Parliament, and it has been stated to the House of Lords by Lord Monteagle, that in the whole history of railway transactions, there never has been an instance in which the powers conferred by Parliament have been so entirely perverted from the purposes for which they were given as in the case of this Shrewsbury Railway.

4031. Mr. *E. Denison.*] In the early part of your evidence you pointed not to a single individual, but to one or two circumstanced in the same way; you stated that there were certain individuals in this direction, you did not limit it to one, who were in the position of owners of mineral property?—With respect to that, the persons who have had almost the exclusive management from the beginning of this line, are Mr. Roy, formerly as secretary, and subsequently as director, and Mr. Robertson, who are the persons with whom myself and Colonel Biddulph, and his tenants, have been in communication chiefly. Those two parties are directly interested as coal proprietors, and in connexion with them are various persons, some the bankers of the company, and others the mortgagees. We do not know what the interest is; but, at all events, we know there are those parties, and that they are and have been the most active and controlling parties in the management of the line.

4032. *Chairman.*] (To Colonel *Biddulph.*) Do you wish to add anything?—The remark which I wished to make was a general one with regard to the directors of the company, as to persons having the control of the traffic in a company being great traders on the line themselves. If Parliament would interfere in any sort

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sort of way, either to prevent it altogether or to control it, it would be a great advantage to other individuals on the same line.

4033. You wish that there should be some power by arbitration, or other settlement, of questions of charge and facility in respect to such traffic?—Yes. I am informed that, on the North Western line, Mr. Glyn at one time held a considerable share in a colliery; but he found that so incompatible with his duty as chairman of that company, that he gave up all connexion with the colliery. That I am informed has been the case, proving that it is incompatible with the duties of directors to trade largely on the line.

Veneris, 6° *die Maii*, 1853.

MEMBERS PRESENT.

Mr. Cardwell.	Mr. E. Denison.
Mr. Henley.	Mr. W. Patten.
Captain Jones.	Mr. Laffan.

THE RIGHT HON. EDWARD CARDWELL, IN THE CHAIR.

James MacGregor, Esq., a Member of the House; Examined.

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4034. *Chairman.*] YOU are Chairman of the South Eastern Railway Company?—I am.

4035. Will you be so good as to state generally your views upon the subject of railway amalgamation?—Would you wish it illustrated with anything connected with my own case, or shall I take a general view?

4036. Be so good as to give your general view first, and illustrate it afterwards as you think fit?—I am unable to see that there could be any possible public disadvantage by permitting amalgamation; it seems to me it might go on to an indefinite extent, without interfering with the public interest, but, according to my view, rather promoting the public interest.

4037. The doctrine that where combination is possible, competition is impossible, has been laid down strongly before this Committee; do you agree in that doctrine?—I have heard that that is the opinion expressed by my honourable friend, Mr. Robert Stephenson; I think it is a strong axiom, but generally I agree in it; taking it broadly, I quite agree in it.

4038. Do you think competition is an effectual security for the protection of the public as regards convenience, cheapness, safety, and the other advantages which they should possess in travelling on railways?—I do not think that competion can continue between railways; it must end in agreement and settlement of differences; it has so happened in all important cases in which I have been personally concerned.

4039. Is it not the fact, that where the number of possible competitors is limited by the circumstances of the case, it is easy for the managers of the different competing bodies to effect an arrangement with each other, which is more advantageous to them than any competition could be?—Quite so; the fact is, that when the traffic between any one or two towns on any given point is ascertained in quantity, it is easily calculated between rival interests what is the best way of getting the largest proportion of it, either with regard to economy, working expenses, or general management.

4040. In the intermediate process, while the contest is going on, and before the parties have ascertained their respective strength, it is probable that much expenditure will be incurred?—No doubt of it; but when you contemplate the opposition of great railway companies, at a point where their whole existence is not at stake, but only, comparatively speaking, a trivial amount, the competition might, if they were foolish enough to dissipate their property, go on for ever. It is a mere question of temper or judgment, which might as easily be decided in the first instance, as far as I know, as after any amount of experience.

4041. With regard to running powers, what is your opinion as to the safety and expediency of permitting the carriages of one company to run over the line

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of another?—I am aware, from the complication of interest which has been allowed to exist in railway affairs, that without some such powers the present system of railway communication could not exist; but with regard to the wisdom of its being perpetuated or increased, I have a strong opinion of an adverse kind.

4042. On the ground of safety?—On the ground of safety. I think it would, in many cases, be highly unsafe to allow such powers; and with regard to the justice of the case, as to rival interests in respect to the effect on property, I think much may be said.

4043. In favour of it?—Against it. I think that a man who acquires a property ought not to be put in the situation of having a mortgage placed on that property against his will. I think that the public might be convenienced to the utmost extent, so far as railway communication can possibly convenience them, without doing such an act of injustice as to give one man a right over his neighbour's property.

4044. Will you suppose this case; if there were a railway which possessed the larger part of a district, but whose line is in some point not the most direct from place to place, and there was another line more direct in that part, so that a passenger from one extremity to the other would be most conveniently carried at the least cost of mileage by going in part over the one and in part over the other, what remedy would you give to the public to prevent the longer line from compelling the traffic to go over the whole of their mileage, to the inconvenience of passengers, and the prejudice of the shorter line?—The first evil to grapple with here, is the title upon which you have granted the lines originally. I think that the public convenience is, of course, the first thing to be attended to, but then it ought to be attended to concurrently with principles of justice; and the point we have to consider here is, on what principles you originally granted these communications which eventually, from circumstances, have become rival ones. I consider that the just thing, under such circumstances, would be for the larger line to absorb the smaller one. I cannot offer any evidence to the Committee against a distinct recognition of the public convenience, and the best use being made of all present and future railways.

4045. Then suppose that there was a case where the railways were distinct, and where, from considerations of public safety, running powers were not conceded, would it be possible, by any system of arbitration, or otherwise, to enforce an adjustment of trains, in order that traffic arriving at the point of junction might be carried on with promptitude upon the railway of the foreign company?—I think that the less would have to give way to the greater; the larger the traffic, the more facility is demanded, greater care and greater accommodation.

4046. But looking at it as between the travelling public on the one side, and the railways on the other, would you object to the creation of that system of arbitration which has been spoken of by some of the witnesses, which would enable the arbitrator to compel the larger company to give every possible facility at the point of junction for receiving traffic from the smaller company?—I think that your postulate implies a great deal, because we can fancy a short line of railway made, which by its connexion with distant districts may shorten the distance; certain traffic might have to pass over many miles from points beyond either of its own termini; but, on the other hand, the question arises, is that shorter railway to have the right to divert the traffic from a number of railways at each of its termini to force it over the shorter distance, without reference to other considerations? And it does not follow, because the distance is shorter, that the facility given to the traffic shall be greater in proportion. The system of express trains, and giving facilities to important towns and districts, involves a great deal more than a certain number of miles of travelling; it may involve the arrangements of other railways. I think, in the case of a new railway being considered, Parliament ought to deal with it in this way, and, for the purpose of consideration, say, "Let us begin again; how should we legislate for these new interests, supposing they were to be created?" Certainly, railway interests are in a very embrangled state at present; but I think we should see how we should decide if we were to create them again. I do not know any other better way of settling such questions than as I ventured to suggest, the greater absorbing the lesser.

4047. By being amalgamated?—Being amalgamated, leased, or purchased, as the exigency of the case might require.

4048. The question is, whether you think railway companies would be disposed to submit to that arbitration, the object of the arbitration being, not the benefit of

of either of the two supposed companies, but the securing to the travelling public the greatest amount of facility which the nature of the case admitted; do you think it would be right to leave that to arbitration?—I think you have got the railway interest at present in so disturbed and irritated a state, that it will accept from you any reasonable settlement of title. I think you have put us all in a state so disturbed, as to the title to property, that if you can only fix our interest upon a settled basis, be it what it may, that it will be favourably received. I do not mean to say that an extreme view would be favourably received, but if it get rid of the difficulty of title, I think a reasonable settlement would be most favourably received by the whole railway interest.

4049. May it be collected from what you have just said, that if Parliamentary legislation with respect to railways could assume an uniform shape, so that both the companies and the public might have a better idea of what was likely to happen in respect of railways, that it would give a greater security to railway property, and probably be a benefit to the public at large?—I think so, decidedly.

4050. Mr. *Henley*.] You have said that you think the railway interest is at present in such an irritated condition, that it would be glad to accept any settlement of title?—Yes; I think that you have gone on legislating with regard to the railway system entirely without rule; I see in one room in this gallery a Committee coming to one decision, and in another room another Committee coming to a different decision; I make no allegation whatever against the discretion of the Committees, because they receive a mass of evidence of the most conflicting kind, and with the best intentions, they are almost at their wits' end to decide correctly, or to decide which is the best; the difficulty is, that you have laid down no rule whatever.

4051. What exactly do you mean by settlement of title?—I will take my own case. In the year 1836 an Act of Parliament was passed, sanctioning the construction of a railway to Dover. The preamble stated, that it was desirable that a railway should be constructed to Dover for the accommodation of the county of Kent, and the continental traffic. Parliament sanctioned a particular line to that town for that purpose. Long before that line was constructed, before it was half constructed, or anything like it, scheme after scheme came before the public and Parliament, for the purpose of giving another line of communication to Dover, and to abstract the continental traffic. My comment upon that is, that there is an insecurity of title; that the position of the company in constructing such a line of railway is not defined; and from 1836 to 1853, the constant succession of projects has been stayed only by the difficulties of the money market. In the months of September and October last, I think, there were no less than 22 separate projects of one kind and another brought before the public affecting the the interests of the company to which I refer. Now, I do not at all complain of railway extension; on the contrary, I should never, in any way whatever, offer opposition to it, if it were based on sound principles, because I think that the amplification of railways is a thing now absolutely necessary to the property and the convenience of the country. But what I complain of is, that this sort of thing is going on; a man who is the owner of railway property is entirely without any knowledge, in the year 1853, of the mode of dealing that may take place with regard to his position in that or any succeeding year.

4052. Is it your opinion, that Parliament having granted, in the year 1836, an Act of Parliament, in which the preamble recites that it was desirable to give communication by way of Dover to the Continent, that the parties to whom that Act of Parliament was granted are to be taken to have such a vested interest in the communication with the Continent, *viâ* Dover, that other parties, under no circumstances, are to have a competing line for the public interest?—Not by any manner of means. I offer no such opinion. What I ask of Parliament is this, that all legislation with regard to the future construction of railways should be defined. I should by no means say that the railway system is not to be extended, either in opposition to the line to Dover, or anywhere else. I should offer an opinion, certainly, that it would not be desirable for the country that capital should be spent in works from which it can never be withdrawn, unless there is a reasonable amount of evidence given that that capital can be beneficially expended. I take that as a preliminary. Supposing sound views of that kind are entertained, then I am quite ready to admit that there may be two lines to Dover, or anywhere else, but it should be upon principle.

4053. Upon what principle?—Upon the principle, first of all, that the capital is not

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not uselessly spent, that its expenditure is necessary, that it will be beneficial to the country; and there should be a reasonable amount of evidence given that the premises are fairly brought out; it should not be left to assertion merely, and regard had to existing interests.

4054. Do you think it has been the practice of this House to grant Railway Bills without reasonable evidence of the utility of the line?—I am inclined to think, when Parliament ceased to inquire into the question whether a railway would be remunerative or not, that it left a good principle, without adopting any other.

4055. Then it is your opinion that the whole question is, whether a railway would be remunerative to the promoters, and not whether it would be useful to the public?—No, indeed; I look on the promoters as part of the public.

4056. There are two distinct questions, and we will take them distinctly; one will be, whether a railway may be very useful to the public; another will be, whether it will be remunerative to the promoters if they make it?—I certainly understand it to be one portion of the duty of Parliament not to allow a capital to be spent in fixed works, from which it can never be withdrawn, without some evidence that it will be beneficial.

4057. Beneficial to whom?—To the parties who spend it, as well as to the public; it is a part of the national wealth.

4058. Take this case, that the promoters of a Bill offer a certain amount of evidence to satisfy a Committee that the work will be useful to the public; they bring other evidence, sustained also by the fact of their being ready to spend their own money in the belief that they will get a reasonable return for their money; now, under those circumstances, do you think that a railway ought or ought not to be granted?—I think it ought to be granted; your question implies all that I advance; you say they believe they will get a reasonable return for their money, and taking all circumstances into consideration, that it will be useful to the public; I think that is all I would expect from them.

4059. I say this; that they give some evidence that they will get a reasonable return for their money; that evidence is confirmed by the fact that they are themselves willing to advance their money on that risk?—I think, even with regard to that question, there is a sort of paternal care that you should take of people who offer to spend their money in public undertakings. I think it is the duty of Parliament to see that their views are not altogether illusory. Your question, in the first place, implies all I would wish to advance; that they should show that they were likely to get a reasonable return for their money, and Parliament should, of course, not be led astray by any temporary excitement in the money market.

4060. You would assume, then, that evidence upon the subject of the probable return of the different railways has not been sufficiently offered to the several Committees?—I have a strong impression of that kind. In former years, I think up to the year 1845, the practice was, that the return which was anticipated by the railways was to be proved in evidence; but that evidence, at a period of great speculation, became of so very doubtful a character, and was so much suspected altogether as to its value, that at last the Committees threw it overboard. That is my remembrance of the facts.

4061. Now then we go to a point illustrative of this. Do you think, speaking generally, that the traffic evidence which has been given before the Committees, put before those Committees an amount of traffic more or less than what has been the result, say in seven years, after the railway has been opened?—It would be difficult to answer that question; because I have no evidence before me, at the moment, of what was stated before Committees. In a Committee even of this House, I remarked, when a counsel asked a witness upon what principle he made out his traffic table, he said, "Do I understand that when you want to get a Bill, you rather inflate the traffic, and make everything *couleur de rose*"? He said, "That is so." Then the witness was asked, "When you do not wish the Bill to pass, what course do you take?" He answered, "I narrow my calculations, and repress the evidence as much as I can." I know that was the state of things before the Committees gave up the practice of taking evidence with regard to the returns to be produced.

4062. From your own knowledge, with the experience you have had of railways, can you give any information as to whether or no the result of the traffic has been, six or seven years after a railway has been opened, greater or smaller than the amount laid before the Committee as the probable traffic?—My impression is, in many cases, that the traffic has not been so great as had been anticipated;

anticipated; but that the outlay required to secure that traffic has been greater than had been anticipated. That would be my present view.

4063. Then your view would be, that the fault of the Committee has been in having been deceived by the estimates of the probable expense of the work?—I do not accuse the Committees of any fault.

4064. We will not use the word "fault," but "mistake," or "error," that has been made; and the unsoundness of the whole calculation has arisen, not from the want of evidence of traffic, but from the estimate of the expense turning out to be less than the actual cost?—No; my observations were intended to be to the effect that the decisions of the Committees were not upon a comprehensive view of the railway interest, or upon a general principle.

4065. You were asked what general principles you thought ought to be observed, and you were understood to say that no railway ought to be permitted to be made which did not hold out two conditions; one, that there should be a public advantage, that is to say, for the travelling public; and the other, that there should be a reasonable return for the undertakers; you were understood to lay down those two principles?—I assent to the proposition contained in the question; but there is another element which requires to be borne in mind, that is the existing means of communication between the two points, the question whether they were satisfactory or not; and the public wealth already expended. If you are to make two roads to the same place, and there is not a sufficient amount of traffic to sustain both, the result must follow which was implied in the questions of the Right honourable Chairman.

4066. In going through the second part of the principle which you have laid down, as to there being a probable return to the undertakers, in what way do you think there has not been sufficient care taken to ascertain that fact; you were understood to say that you thought the traffic did not turn out as large as had been represented?—That is my impression, decidedly.

4067. Do you think that the estimate of the execution of the work has not been so high as the actual cost of executing it has been?—That has been so in some cases.

4068. Is that a ground, with others, why the undertaking has not proved so lucrative as it was expected to be?—Undoubtedly it has been one of the grounds; but in my experience the cost of applying to this House, and opposing other parties who have applied to this House, has resulted in an enormous outlay of capital, for which, of course, there are no possible works or property remaining.

4069. Have the expenses of applying to this House, and the contests that have accrued thereupon, arisen very much from certain lines being in the possession of advantages which were granted under preambles, which you are understood to say seemed to create a kind of vested interest in certain parties composing other competing lines?—Rival projects being suggested to Parliament at a time of great speculation, existing lines suggesting extensions of their own.

4070. Has that been the general ground of the vast expenses which have been incurred?—Unquestionably that, and existing railways seeking to gain advantages from their neighbours, because there has been no general principle laid down for the extension of the railway system.

4071. Would you desire that that general principle should be fixed by some Government department, or in what way would you propose that?—I decidedly think that if such a Board as that over which Lord Dalhousie presided had been a Board of authority, which could have carried out their recommendations by enactment, that is, if they could have guided the enactments that have taken place, it would have been a better thing for all parties. I do not mean to attach any blame to the circumstance, that neither Parliament nor the country foresaw, 20 years ago, what the state of the system would be. I think it should be administered under such recommendations as those of Lord Dalhousie. Perhaps there would not have been so many miles, in that case, of railway made, but the country would have been more benefited, because there would not have been such a great sacrifice of railway property.

4072. Do you think it would have been better for some Government Board to have laid down what they considered sufficient for the wants of the country, and to have had those wants supplied, rather than to have had the wants of the country supplied by private sources, as it has been, and, as you were understood to say, in your opinion, in some cases, over-supplied?—I should not like to be misunderstood upon that subject. I conceive that if such recommendations as those

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those of Lord Dalhousie had been considered by Parliament as a whole, and Parliament had accepted the principle which Lord Dalhousie entertained, that it would have been a very beneficial thing; but I do not mean at all to say that a Government Board should be the sole arbitrator as to the extent to which railway extension can take place, because I do not think any Board could have that foreknowledge which would warrant a Government, or controlling power, in fixing and limiting railway extension; I think that might have gone on from time to time, according to the wisdom of Parliament; but my opinion is, that the principle of that extension should not be by frittering cases of 30 or 40 miles being granted to competing parties, but by one comprehensive view of the whole railway system, authorising an extension of that system upon principles which were universally known and acknowledged.

4073. That universal principle must have been laid down by some Government Board, and extended from time to time, as circumstances would seem to them to require?—When you speak of a Government Board, I by no means wish to separate that Government Board from the consideration of Parliament; but my opinion is, that Parliament should adopt one general principle, be it what it might. I think that would be beneficial to the railway interest; and I think the railway interest complains very justly of a state of circumstances which leaves it totally unconscious from one Session of Parliament to the other of what may be done in the way of railway extension.

4074. Now, being a practical man, in what way would you suggest it possible for Parliament, in each succeeding Session, to lay down a general principle upon which they would regulate the railway interest in this country?—I think your questions implied very much what weighed on my mind. You asked, if I think it right that the railway system should be extended when the promoters were ready to spend their capital, in the belief that on spending their capital they would receive a reasonable return for their money. Now, that principle, combined with a regard to the facilities, and the railway interest already existing in the district where the extension was to take place, appears to me to combine a very great deal of what is required in the case.

4075. With a due regard to the interests already existing, and foreknowledge on the part of the tribunal which decides on the evidence sustained by the ability of counsel, who make the best of their case, and other matters which you have stated are generally made the subject of evidence also before those tribunals, I do not see that you can obtain anything further than you have done, unless it were possible that one tribunal should decide on the whole 100 or 150 cases which come before Parliament in each year?—I should have no objection to that one tribunal deciding upon all those cases, and for it to recommend to Parliament whether they should be adopted. I think you will find, with reference to the Reports of the Committees, that these matters have been dealt with, one quite apart from the other. If proof were given that the capital to be expended by a suggested railway would be sufficiently remunerative to the projectors, and that looking at it in connexion with existing railways in any such and such a district, and as a part of the whole railway system, that any project might be looked upon as a wise or proper measure, then it should go on. That is my impression.

4076. Each particular case no doubt has been decided separately, but has it not ordinarily been decided upon those very principles which you state ought to be proved?—Not according to my view. According to my view, the Bills have passed sometimes with too little reference to the return to be yielded by the capital advanced. I think that since 1845 the principle of inquiring into the whole question of railway extension has been abandoned.

4077. Would it not rather be, that the several tribunals to which these questions have been referred, having a different amount of ability, may have come to a judgment, wishing to apply the same principles to conclusions which, perhaps, would not be equally sound?—I should certainly hesitate to express any opinion as to the ability of the Committees, because I think the Committees, with instructions, would all have had sufficient ability to have followed one course, which would have led to a general result.

4078. Does not the preamble of the Bill generally assert that the measure is useful to the public?—Yes; that is one of the stereotyped preambles.

4079. That is, of course, one of the things that the Committee has to inquire into; but is there not always a very considerable amount of evidence given as to the cost of the line, and as to the probable return for the capital?—No doubt there

is

is evidence given; but with regard to the return for the capital, I think that has been gone into for several years past with great laxity.

4080. In those cases there may have been more or less evidence, or the evidence may have been more or less satisfactory, or it may have been not soundly judged upon; but does it involve more than the three matters which you have stated necessarily should enter into the consideration?—Those three elements would, if duly considered, lead to a just result.

4081. Do you think it would be possible for one Parliamentary tribunal to deal with all those cases?—I do not think there would be any difficulty in distributing the cases among different Committees if a general principle were laid down; take the case of the broad gauge and the narrow gauge, which was inquired into by a Commission; no result has followed; whether the broad gauge should be extended, or not, has been considered since differently by different Committees; no definite determination of Parliament has followed.

4082. There has been no determination whether the broad gauge should stop at a particular place, or pass it?—No.

4083. Now, you were understood to say that you think there has been a great infraction of private rights, with reference to running clauses, in giving parties what you termed a mortgage over a railway, by having running powers over it?—I conceive that the effect of giving running powers over an existing railway, against its own will and consent, to an adjoining railway, amounts very much to fixing upon the existing property a mortgage to which it does not consent. That is my impression.

4084. Do you, or not, consider that an existing railway should be treated somewhat in the nature of a highway?—I have no doubt it was the intention of Parliament that they should be highways; but we cannot carry railways out as originally intended. There was not a sufficient amount of foreknowledge to understand how all these things were to be adjusted.

4085. But the original parties having invested their capital under the knowledge and belief that the railway was to be considered as a highway, it does not seem any very serious invasion of their rights to give other parties, properly limited, the power of using their highway?—I think the Right honourable Chairman's question on the subject of a shorter railway acquiring a right to run over a portion of a longer line of railway, so as to secure between two points the most ready communication, and abstract the traffic from the larger existing railway, which served those two points, but not by so short a mileage, forms the best answer to your question I can give; inasmuch as the railway system ought, as a principle, to have been one universal whole. It has, unfortunately, been set out in parts, without a general comprehensive view at the outset, and hence these difficulties. I make no allegation of impropriety on the part of the Legislature in these matters. They could not foresee all the difficulties that have occurred, but those difficulties have grown out of what I shall venture to call piecemeal legislation.

4086. We will take the simple case of a branch made into a trunk line by parties independent of the trunk line; the parties making that line think that they have a right to share in the gain which will accrue to the trunk line by bringing that increased traffic over it; the owners of the trunk line say, "You shall not; we will not let you come upon our line except you pay us full carriage for the 50 miles you are going to run over us." In that case, would you say there is any injustice in having running powers for the short branch line to run over the parent line?—I think that requires very great consideration. I think to put a branch line of short mileage on to a great trunk line, and to say that the branch line shall have an undoubted right to use the trunk line, and to share in its profits, is about one of the strongest assertions that can be made.

4087. Not to share in the profits?—I understood you to say, to share in the advantage of accruing profits over that trunk line.

4088. The question was this: a branch line being made, and negotiations being entered into with a view to the traffic being carried on by the parent line, the parent line refuses to carry that traffic except upon terms which the branch line thinks unfair, inasmuch as they make no allowance for the gain that they will get by having that amount of additional traffic brought upon them; that forces the branch line to work its own traffic; therefore, should you think it any injustice that it should have running powers over the parent or trunk line, paying of course to that trunk line the tolls which their Act of Parliament would require of them?—I think it would be the greatest possible injustice; I think that a branch line

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is entitled to every reasonable facility for the further conveyance of the traffic which it may bring to the trunk line, that the public interest requires it, but I think that the action of the trunk line upon its own property should be under its own government, subject to proper public regulation. I cannot at all see that the constructors of a branch line, emanating from a trunk line, should be entitled,—having, for their own purposes, made that branch line,—to extract from the trunk line a portion of its own reasonable profits along its own distance.

4089. The question was, not whether they had a right to extract from the trunk line a portion of its reasonable profits, but why should they not have a right, by running powers, to run over the trunk line, paying to the trunk line the tolls which the original Act of Parliament had secured to them?—In the first place, I object to the running powers, on the ground of public safety.

4090. Put that aside for a moment, and answer the question with regard to its being a mortgage?—I say by that process you are giving the branch line a mortgage over the trunk line; you are attributing to it a share of the gain of the trunk line, which, according to my opinion, is an injustice, and to which it is in no way entitled. The branch line is entitled to all the profit earned upon its own territory, be it long or short, but surely it is not in any way entitled to a proportion of the profit earned upon the trunk line to which it has attached itself.

4091. I am not asking whether it is entitled to any profits of the trunk line, but why it ought to be prevented from having full running powers, to run its traffic over the trunk line, on paying to the trunk line all the tolls which the Act of Parliament of the trunk line secured to it?—Of course, upon the abstract question of law, the branch line is entitled to everything that the law has given it if all the trunk line is entitled to is the toll, and the branch line is entitled to run over it. I must go back to the question of the policy or the wisdom of giving those running powers; but I cannot see why the trunk line should not receive the traffic of the branch line at the point of junction, or at a convenient point of deposit, wherever it is; that is a rational mode of dealing.

4092. That is a more rational way but supposing the parties cannot agree upon the terms on which that is to be done, will you explain why you think the power of the branch line to run over a trunk, paying to the trunk the tolls secured to it by its original Act of Parliament, is to be regarded in the light of a mortgage upon that property?—If the running powers give to the trunk line all that the law originally gave it, of course, strictly speaking, they constitute no mortgage; if it gets all the law gives it, that is not a mortgage; but the running powers were, in my view, given in error.

4093. No running powers are ever taken to go over a line without paying them the tolls which they are entitled to receive?—But there are other elements which you were calling to my attention, and which ought to be brought to bear in regard to this question, to allow the thing to go on at all. The mere running over the rails does not constitute the whole facility in carrying the traffic. If goods are to be carried, those goods must be deposited at some station; and the question is, whether the branch line is to be allowed to attribute to itself a share of the advantages, and the general trading arrangements of the trunk line; I think not. I think that the powers which allow of running powers over the rails were given in error, and in total misapprehension.

4094. *Chairman.*] What we understand to be the meaning of your general observations is, that you wish that the whole railway legislation should come at once under the purview of Parliament, instead of being sent piecemeal to separate Committees, each of which has only the means of knowing a very small part of what you conceive to be necessary to its forming a proper and sound judgment?—That is exactly my view.

4095. Mr. *Henley.*] You were speaking of "running powers;" of course the Committee understands that when you used the words "running powers," you meant running powers having some condition attached to them beyond that of the original Act of Parliament given to you as to the mere taking of tolls?—Yes, I do mean that, of course. I cannot, strictly speaking, conceive there is any injustice done when the conditions of the law are complied with. If the company take an Act of Parliament limiting them to certain tolls, and they receive those tolls, of course the mere law of the case is complied with; but in most cases the mere act of running over the rails themselves would not benefit the party; there must be something in addition to that.

4096. It would be necessary in branch railways that they should have a facility

lity of getting on the line?—Yes, or delivering their traffic to the line, or bringing their traffic to the line, which seems to me the more natural and rational way.

4097. The conditions which you would consider as being wrongful, altering the rates of tolls, would be one thing; subjecting the use of your stations to arbitration, another. Are there any others that you consider as wrongful comprised in the arbitration powers?—I do not consider the revision of tolls wrongful, if it is done on a general principle by Parliament; I do not think the railway interest would resist any investigation into their circumstance, if they were broadly looked at in one view by the Legislature; but I think it is an irrational and unsuitable thing that there should be a power of running over other lines, having arbitration as to the rates to be paid and the use of stations, and all that sort of thing. I think that would most certainly lead to what would be most disagreeable.

4098. The original view of railways was, that a railway was to be a highway, was it not?—It seems so from the reading of the Acts; but that evidently is an erroneous view, because it is a highway that can only be used on certain specific conditions, and subject to very close regulations, otherwise you you would interfere with the public safety and convenience.

4099. In point of fact, it turned out to be wholly illusory?—I think we may broadly put it so.

4100. Therefore it might not be unjust that, having so turned out, some legislation should have taken place to secure to the public that which it was presumed they would have had in viewing a railway originally as a highway?—I think the public have had all that it was ever expected originally they would have had, and a great deal more; but the railway interest has become so gigantic, and the difficulties of its position so great, and its affairs so complicated, that it would not resist any broad view with regard to it which was taken by Parliament, upon what I am sure would then be equitable principles. That is my view of the subject.

4101. Explain what you mean by "broad view" or "general principles"?—When you commenced by stating that Parliament looked on these railways as high roads, and that measures should now be taken to give facilities to the public over the railroads which were contemplated when they were originally created by Acts of Parliament, I say, in the first place, I think the public have had a great deal more facility and advantage than was contemplated; and I know not how they can ever get the facilities that were contemplated in the Acts, because, looking at the railways as highways, they were nugatory; I think the railways are a new creation altogether, and when I say take a broad view, I mean that Parliament has now had a great deal of experience, and the public also have had a great deal of experience of them; and that any just appreciation of their present position, as regards the interests of the proprietors and the interests of the public, would, according to my opinion, be very well received by the persons interested.

4102. Taking a general view of the interests of the proprietors, railways at present differ very much in position and value?—They do very materially.

4103. Would your view be to melt them all into one general average?—That is a view that has occurred to my mind; that a combination of the whole railway interest would be beneficial to the public, and might be arranged on terms not injurious to the proprietors.

4104. Would it occur to your mind that they all ought to be averaged down to a common dividend?—I think that is so great a question, that probably it could only be arrived at by steps; and certainly I think one of the steps towards it would be, the permission to allow almost any amount of voluntary amalgamation, the parties so amalgamating being subject to the revision of Parliament.

4105. Is that one of the steps that you think would form part of what you call a general system or general principle upon the subject?—I think, certainly, it would lessen the number of parties that you would have to deal with, and lessen the difficulty of a general settlement, if the railways were all to be combined in one interest.

4106. Is it your view, that Parliament or the Government ought to judge of the fitness of new railways, with reference to the amount to be got in an average of all the railways in the kingdom, or on what principle?—I certainly think, if you allow the system which has been going on for years to continue, in which there has been a constant conflict for railway extension, without any fixed prin-

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ciple as to the mode in which it is to be arrived at, that is erroneous. I begin with that.

4107. You were understood to say so, and one element would be the amount of profit or return to be obtained from the capital expended; do you think the just amount of that is to be ascertained by an arbitrary line, or by anything like fusion of the general railway interests of the country?—If we go back to the point from which we started, and speak of the construction of a new line of railway to a given point, where there is already an existing line of railway, I think that the benefit to be derived by the outlay of new capital can only be fairly tested by also considering the state of the capital already represented by the communications existing. But if we are to go into so wide a question as the amalgamation of the whole system, I certainly think that had better be arrived at step by step, whether it were to commence by granting amalgamations in certain districts that have been spoken of, or some other measure. I certainly think that voluntary amalgamation would save Parliament a great deal of trouble, and lessen the number of persons or companies that would have to be dealt with.

4108. That view would go to this; that where a new line, beneficial to the public, was proposed to be made, that ought not to be made, provided it injured a line that was made in another district, and that would lose traffic by it?—I could not put that forward. I shall offer no evidence to restrict the construction of railways. I take no view of that kind. I think all necessary railways might be constructed, and on principles that would neither be injurious to the persons who constructed them, nor to existing interests. I do not think it is justifiable that new railways should be made solely for the purpose of giving a slight amount of accommodation, when by so doing they do a great deal of mischief. I think those things must be balanced.

4109. What remedies should you propose to balance those difficult questions?—I certainly consider that a tribunal, such as Lord Dalhousie's Board was, which considered every question of railway extension brought before it, and reported to Parliament on a general view, would be a desirable thing.

4110. That is, that you would think it wise that the same department of the Government—because Lord Dalhousie was then at the head of a department of the Government—should form a preliminary opinion upon every railway matter and say, aye or no, whether it ought to be brought forward?—I think it would be desirable that one department should take a broad view of the whole system.

4111. And have a veto; do you go that length?—No, I do not at the moment go that length; I think the misfortune was, in 1845, that Parliament did not consider Lord Dalhousie's Report as a whole, and decide on the whole mass before proceeding to deal with the details. I think Parliament ought first to have recognised the principle on which Lord Dalhousie decided or to have rejected the principle; but I think it was not a wise thing for Parliament to send the projects to the different Committees, on a chance of the view that they might please to take of the case. I think that was an error.

4112. Might it not happen that the immense mass of business that was submitted on that occasion to Lord Dalhousie might have led to the belief that the time that was afforded to look into all the details of these various measures was not sufficient to enable him to come to the conclusion which the Committees thought they were justified in coming to?—I think as Lord Dalhousie devoted himself to one great question, and gave his attention to the whole case, that he was not likely to have made many mistakes; that is my impression; the Committees had each question in detail by itself, and it was like considering a part of the anatomy of the human body without the rest of it. Lord Dalhousie, if I understand his views, looked on the railway system of Great Britain as a thing that ought to be constructed on principles of unison, and as a great whole. Now it was impossible that the separate Committees on those many Bills could enter on the consideration of each with that general view.

4113. The result of looking at one general whole would have been a much slower development of the railway system?—I am not sure of that; it would certainly have retarded the construction of many lines that have been almost unremunerative; and I think the country would have been all the better for delaying their construction.

4114. Do you think the great facility afforded by the present extent of railway accommodation has been, on the whole, too much?—I do not think any amount of facility can be too much; but you may pay too dear for your whistle. If I take the

the concern in which I am interested, and the only one in which I am interested, I find there we have constructed a railway at an average cost of more than 45,000*l.* a mile. I think we have found out that we have constructed some branches that might very reasonably have been delayed, and that the public would not have suffered in the proportion that we have suffered.

4115. In the meanwhile the public have had the advantage?—Yes; the public have had the advantage, and we have had the great disadvantage.

4116. To a great extent would not that be the case with the canal system?—It may have been, but legislation may have been erroneous there too. I daresay there are some canals that have never carried much traffic.

4117. And consequently never paid much to their proprietors?—Yes, exactly.

4118. And yet, on the whole, the canal system has been an enormous benefit to the country?—Yes.

4119. The same may be said of turnpike roads?—And the railroads.

4120. Do you think if the turnpike roads of this country had been in the hands of a Government department, even presided over by a man of Lord Dalhousie's ability, we should have had anything like the development of our turnpike roads that we have had in this country?—Certainly not; I do not think the turnpike roads and the railroads are to be compared in that way. One requires a much more nice and specific mode of usage than the other.

4121. No doubt, but still in a less degree a turnpike road is better than no road at all, and a railroad is infinitely better than a turnpike road; still in some degree the development of either one or other has been highly beneficial to the country?—Yes.

4122. Have you formed any idea of the amount of capital that has been let loose on the country by the development of the railway system?—Yes.

4123. What is your opinion of the relative proportion of capital which has been let loose by the great development of the railway system, relative to the whole cost of the railways?—I consider that the country has benefited in a much greater degree than the railway proprietors have suffered; I have no doubt about that; I have no doubt that railroads have facilitated commerce to an extraordinary extent, and travelling to an extent which we all know would have been impossible by any other means of conveyance; but I do not see, at the same time, why faulty legislation, if it be admitted that there were faulty legislation, should continue on that account.

4124. You say you have paid considerable attention to the subject of the development of the system, and the capital let loose in consequence; can you give any opinion as to the question which was asked you before, as to the relative amount of letting loose of capital by the railway system, and the cost of railways?—If you take the value of landed propery, one may begin there with a large figure; the facility of bringing produce to market, and moving it rapidly from distant points, we establish a large gain there; and so we go on from one step to another; my impression would be that the capital which had been let loose, or the increase of wealth to the country, had far exceeded the loss upon railway property. I think the benefit has been greater to the public than the outlay of railway proprietors.

4125. When I used the term, "letting loose of capitals," I did not mean to apply it to any such objects as those you have stated; but in this way, assuming formerly any 200 miles of inland carriage, that the traffic over that by waggon or canal, perhaps occupied a week or ten days; of course all the goods that were then in transit were so much, for a certain purpose, dead capital; if they make that transit now in 24 hours, so much less capital answers the purpose?—Yes, there is no doubt about that.

4126. And it is in that view that I spoke of "letting loose capital"?—I did not understand your question in that way. I made a calculation as long as ten years ago, in which I found, assuming the number of passengers between Liverpool and Manchester, and taking the saving that would accrue to them supposing they could be conveyed by the old coach road, they had then actually made a gain of the country equal to the whole cost of the railway. That must have gone on throughout the whole country, so as to make even the expenditure in the construction of railways appear a small figure compared with the public benefit derived, and yet to be had.

4127. Mr. *W. Patten.*] You say ten years since?—Yes.

4128. So that 13 years from the opening of that railway you think the public would

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would have gained the cost?—Yes; my recollection of that calculation is revived by the Right honourable Gentleman's question.

4129. Mr. *Henley*.] Have you ever formed any opinion of the value of goods in this country that are in transit?—I have not attempted any calculation upon that subject.

4130. You would know, no doubt, as a general question, that there must have been an immense saving in the application of capital, owing to the shortening of the transit of goods?—I am perfectly aware of that. I remember when it has happened that commerce was almost suspended by the canals being frozen, a large amount of capital locked up, and ships unable to sail for want of their cargoes.

4131. At all events, every facility of getting rid of those inconveniences may be set off as an element against the large amount of capital which may have been, according to your view, unnecessarily expended on making railways?—So far as the public is concerned, I admit their gain in the construction of railways; but I think that gain has been so enormous that it is the more incumbent on the Legislature to consider how far the railway system is now to be wisely handled.

4132. It would be rather a view, in your case, that you think the parties who brought that about ought to be treated considerately by the Legislature, rather than that the system should be stopped, by which the public has gained such great advantages?—I have never made use of any phrase, intentionally, to convey the impression that I would suspend, or restrict or impede the construction of railways; all I ask is, that extension should go on upon just and considerate principles.

4133. Your view would be, that a general principle being laid down, under any authority that might be thought fit, would not obstruct the general development or extension of the railway system?—Decidedly so. I think it may prevent that speculative mania which is sure to recur at a period of cheap money, and the ill effects of which, as capital once spent cannot be withdrawn from railway works, endure for ever afterwards. I think that the construction of railways should go on, as it naturally would, from the demand that must exist for their facilities; but I would regulate the principle upon which extension should proceed.

4134. *Chairman*.] Do you consider that those great advantages which have accrued to the public from the expenditure of capital in the construction of railways, would accrue in a still greater degree in proportion as that capital is expended judiciously?—Decidedly so; and if I might be permitted to add, that portion of the public, which is no inconsiderable one, represented by the persons who have advanced their money for the construction of railways, would then not be injured.

4135. And if this House could adopt some mode of legislation by which it could always have within its power the whole question of railway extension, it would be likely to come to wiser decisions than where it breaks it up into bits, and sends each issue separately to a separate tribunal?—Precisely so.

4136. Passing on to the question of gauge, you mentioned that the gauge question had not been settled. Have there been any deviations from the rule intended to be laid down by the Gauge Act in 1846?—My impression is that all those contests connected with the Shrewsbury line, and so forth, are deviations from that principle.

4137. That is by laying down the mixed gauge, where it would otherwise have been the narrow?—Yes.

4138. Do you approve of that mixture of gauge?—Admitting the nice management which is required te ensure safety on railways, I should think every attempt of that kind was just a step in the wrong direction.

4139. Tending to public danger?—Tending to perplex the management, and tending to public danger; and with regard to stations, I say unhesitatingly, as a practical man, the mixed gauge is a thing impossible; that the facilities which are required at stations to work the traffic, as applying to both gauges, at the same station, cannot be provided.

4140. We have had some evidence given here about the operation of the Scotch criminal law on the managers of railways; are you of opinion that if personal responsibility were more directly affixed to the persons engaged in superintending and managing railways, that it would have a tendency to drive persons of respectability away from the service of the company?—No, I cannot say I think so; I think that responsibility is daily and gradually attaching to the right persons; the

the railway system, and experience in the management, is being developed at the same time; but I do not fear responsibility; I think every man is ready ready to bear his own share of it; but the fact is, our responsibility is only being ascertained by time; the changes in the system are, in fact, changing the niceties of management.

4141. Would you object to an extension to this part of the kingdom of the law which is supposed to prevail in Scotland with regard to the responsibility of the managers of railways?—I am not disposed to take exception to any law which fixes responsibility. I have always had a strong impression that that would not be very difficult to ascertain even in this country. I think, sir, your acquaintance with the Board of Trade will show you that there has been every readiness on the part of railway companies to receive advice as to regulations; and, so far as they can, to adopt them, with all propriety; I venture to say that a system of good management is growing by degrees.

4142. Good; still it being admitted that there is, in point of fact, a greater stringency in the practice of the law in Scotland than in England, would you think it likely to be mischievous to the public, and tend to diminish the security which you have for the good administration of railways, if that Scotch practice were introduced here?—I am inclined to think that here, if you will only ascertain what the regulations are to be, and let those regulations be fairly known and duly circulated among all parties, that the feeling would be, that there was no intention now to shrink from responsibility. I think it is rather a question what regulations are applicable, and how far they are understood by the parties who are charged with the traffic.

4143 Do you think it would be just that the neglect to issue proper regulations should be in itself the subject of criminal procedure on the part of those whose station makes them responsible for the management?—If the regulation were first understood, decidedly so; but persons would be unwilling to place themselves in situations of responsibility, without knowing the regulations under which they were to act.

4144. But supposing the general superintendent of a railway neglected to issue proper regulations, and it appeared to a jury that a certain accident had occurred, not from the neglect by inferior servants of the regulations that there were, but by the absence of regulations which there ought to have been?—I think that is going rather far, because I think whether it was determined at Whitehall, or any other place, what the regulations ought to be, there would be found no want of desire to carry them out with promptitude; but it is rather too much, in these days, to expect a man to anticipate what the regulations ought to be, in all cases, beforehand. With regard to the great speed which has been in use of late, and the heavier engines, the arrangements which have been made for the purpose of signalling were found defective. An engine of greater weight, and travelling at greater speed, was not affected by signals at the same distance as a less weighty and less speedy engine. I would even say that some of the accidents which have occurred have led to information which we did not possess before.

4145. But the momentum of a heavy engine at a greater speed, and the momentum of a light engine at a small speed, are matters that the scientific men who manage railways might be expected to comprehend?—Yes, I quite admit that; but railways have grown, and the science of men has grown with them. They have not always possessed the science in anticipation of the results.

4146. Supposing you could prove that there was culpable negligence in omitting to issue certain regulations, would it be considered a hardship that the person who had been guilty of that culpable negligence should be criminally responsible?—No, I do not think so; but your charity would induce you to admit that people ought to be fairly warned beforehand as to what applies to their position in the way of responsibility.

4147. What is the position of the Company that you preside over and the Brighton Company, with regard to the joint station at London Bridge?—The Brighton Company have a station now entirely separate from the South Eastern Company. They run over the same rails up to a very few yards of the station, and then enter their own station, as the South Eastern Company's trains do into their station, the two stations being alongside of each other; the signals which guide the departure of all trains from London Bridge Station are the signals of the South Eastern Company's trains. It is necessary that one company should have the control, because the trains run down over the same rails.

4148. They so run for 20 miles?—For 20 miles. There are 45 trains which start

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start in the course of the day with passengers from the London Bridge Station, which continue on the same line of rails as far as the Croydon Junction, where the Croydon traffic branches off, but coming up the Brighton and Dover long trains only pass over the same lines of rails. There is a separate line of up-rails for the Croydon traffic. I rather look on this position as a negative of running powers, or, in fact, separate interests. The Brighton and South Eastern Companies may be considered to have no separate interests of an important kind over that line of road. It will be seen that in sending 45 trains a day over the same lines of rails, with the interpolation of short trains and long trains, and more frequently trains leaving there at the favourite hours of the day, that if the object were a rivalry in speed, or anything else, to gain points where traffic was to be collected, it would be a disadvantage to the public.

4149. Do you mean that from your experience as the manager of the South Eastern Railway Company, which is an instance where two companies traverse the lines of rails for 20 miles, that if running powers where exercised hostilely, it would be inconsistent with safety?—Everything should be done to annihilate rivalry over such rails.

4150. We have been told that there are complaints with regard to the Reading, Guildford, and Reigate line, that they ought to communicate with the South Western at Farnborough, and with the Great Western at Reading, and that there is no communication at either place?—It is so to a certain extent. At Reading the stations are not far apart from each other, but the mode of access occasions travelling over a public road as much as 700 yards; but the South Eastern Company has a Bill before the House this Session for placing the stations along side of each other at Reading.

4151. Making a junction?—Not making a junction, because theirs is the broad gauge, and ours is the narrow. It is merely laying them along side each other, so that passengers can walk from one door to the other, if proper arrangements be made; and goods may be lifted from one truck to the other without any loss of distance.

4152. Mr. *Henley*.] Are the rails on different levels?—Yes; but they are to be brought on to the same level by a junction, the Bill for which is now before Parliament.

4153. *Chairman*.] One is below the other now?—Yes, but at the station, and for a little distance from the station, they will be brought up to the same level. I have had a drawing made, which will now better explain it. (*The Witness explained to the Committee on the map the alteration proposed.*)

4154. Have you any observations to make as to the capital paid by the various railways, and the losses sustained by them since 1845?—I will put them in. I have had calculations made of the value of the different railways in 1845, the capital spent since, and their present value. I have put in the English, Scotch, and Irish railways, and also some French railways, to show the different value of property on this side of the water and on the other. Also a statement made of the capital borrowed by the companies in 1851. Lord Dalhousie seemed to to proceed on a system of compromise; and if your view chanced to be that a compromise for the public interest and the interest of railway proprietors were to take place, one element of that might be the mode of dealing with the mortgaged debt.

4155. What is the amount of the whole mortgaged debt?—The amount of the whole mortgaged debt to the end of 1851 was 45,567,096*l*., and the average rate at which it has been borrowed is 4·469 per cent.

4156. Mr. *Henley*.] It pays much less than that now?—The interest is gradually being reduced, but is not capable of rapid reduction.

4157. *Chairman*.] Do you mean that that is the average at which it had been borrowed originally, or the average rate at which it then stood at the time of making up that account?—At that day.

4158. It is very nearly 4½ per cent.?—Yes. As the credit of Government is able to raise money at 2½ per cent., the reduction of interest on such a stake as this might be an element in a compromise.

Vide Appendix.

[*The Witness handed in the following Documents:*]

James Maitland Balfour, Esq., called in; and Examined.

4159. *Chairman.*] ARE you Chairman of the North British Railway Company?—I am. *J. M. Balfour, Esq.* 6 May 1853.

4160. Is it your object in giving evidence to-day to speak of the probable effects upon the North British Railway of the Amalgamation Bill, or Arrangement Bill, which it was proposed to pass this year between the Caledonian Railway and the Edinburgh and Glasgow Railway?—Yes.

4161. Will you state what effect that arrangement, in your judgment, would have on the interests of your company?—I may state that, in fact, this arrangement does exist at the present moment, and the result of it is, that, though we are a continuous line with the Glasgow line, we have no interchange of booking, and no interchange of carriages; and that, though the companies to the north would be willing to book through, and send their carriages through, from Perth and those districts, by the East Coast line to York, Newcastle, and London, they have no means of doing so, as they must run for about 20 miles on the Glasgow line, and the Glasgow Company will not consent to their booking through; that is by a joint committee of the Caledonian and Glasgow Railways.

4162. Do you mean to say, that the object which you suppose them to have in view is not the promotion of their own traffic between Edinburgh and Glasgow, but the diversion from you to the Caledonian line, southwards, of traffic which would otherwise flow naturally over your line?—I think it is.

4163. That extends not only to themselves, but to the lines north of them, carrying the traffic onwards towards Aberdeen?—It does; but we have no means, for instance, either of booking or sending carriages through to Perth without a change of carriages.

4164. The oppression then is this, that the possession of 20 miles of a continuous line of railway, extending in the whole from Aberdeen to London, enables the Company to divert it to the western line to the prejudice of the eastern line?—It does.

4165. Have you considered any remedy which you would wish to suggest?—The only remedy would be, if amalgamation were allowed, very stringent clauses, or power to prevent their taking that advantage of us.

4166. But at present, amalgamation not having been ratified by Parliament, they accomplish, by voluntary arrangement, all the mischiefs to you of which you complain?—They do; but if they were amalgamated, and no such stringent powers to prevent them were given, it would be a thing that would last for ever. The arrangement might last for ever; but, at the same time, it might suit their interest at some future period to join with us.

4167. You object, therefore, to amalgamation, as rendering that agreement permanent which you hope is only temporary?—Exactly.

4168. Is there any other suggestion you wish to make with respect to that point?—No, I think not.

4169. Is there any connexion between the canals to Edinburgh and Glasgow and the railways?—No, there is none.

4170. Therefore, if the traffic from the west would at all naturally flow over your lines, there is no communication of any sort which would prevent it?—No; I may mention that at present there is a working agreement with the Caledonian, by which the traffic from Glasgow to Edinburgh is divided, and by which the goods traffic from Glasgow to Newcastle, at the present moment, is given by that agreement to the Glasgow line, to the North British, and the Berwick and Newcastle.

4171. In certain proportions?—In certain proportions; I believe we carry all that traffic by agreement through. Then, if there is an amalgamation, or if the agreement between the Glasgow and Caledonian continues, it will be their interest not to send it at all by the Glasgow line, which is 40 miles, but to send it by the Caledonian line to Glasgow, thus entirely cutting out the North British and the Newcastle and Berwick line from getting the traffic; they may throw obstacles in the way of our booking through as well.

4172. You were understood to say that you have a traffic agreement with the Caledonian, which prevents your feeling to the full extent the effects of this arrangement of theirs with the Edinburgh and Glasgow?—We have.

4173. Do you apprehend that at the expiration of that agreement with you the consequences to you will be more serious than they now are?—They will be very serious indeed, I consider.

Mr. *William Hales Pridmore*, and Mr. *William Reynolds Lloyd*, called in; and Examined.

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4174. *Chairman* (To Mr. *Lloyd*).] ARE the Committee to understand that you represent a committee, of which a Mr. James is the secretary, and who have been assembled at Birmingham, and in communication with the trade of Birmingham, for the purpose of watching the question of amalgamation?—We have.

4175. Do you attend as a deputation from the trade of Birmingham to represent their sentiments on the subject of railway amalgamation?—We do.

4176. Will you state what the views of those with whom you co-operate are on this subject?—I must state that they view with considerable alarm the progress of railway monopoly, and are very anxious that Government should interpose such measures as are likely to protect the traffic of the country against the consequences of it. They have observed that just in proportion as there has been competition, or the prospect of competition, there has been greater accommodation and facility for the traffic to Birmingham, both to the north and to the south. On the London and North Western line, upon which there is not that degree of competition, the traders of Birmingham have suffered from the very arbitrary proceedings which have been taken against them; so much so, that there was a meeting held of the merchants and traders of Birmingham to represent their case, and to bring it before Parliament, that it might be noticed by Government, and protection afforded. There were several cases of extreme hardship and arbitrary proceedings, which I could detail if it is thought desirable.

4177. Mention some instances which will convey the general idea of what you wish?—In one case some goods were lost or stolen.

4178. Are you going to give individual cases, or to illustrate a general system?—Illustrations of the general system. One was a case in which some goods were stolen, and the freightor sought redress by stopping the amount from his carriage account. His carriage account amounted to some few hundreds in the month, although his claim was only a few pounds. In consequence of his stopping the amount of his claim, his goods were stopped to the amount of 200 *l.* or 300 *l.* He was a large corn-factor, and the farmers in the country hearing that his goods were stopped at the railway, thought that his credit was injured, and that he was not trustworthy, and were in great alarm. His credit was very materially injured on the markets where he had been accustomed to attend.

4179. Do you mean to say that there being a dispute between this trader and the company, he began by taking the law into his own hands, and that they retaliated by taking it into theirs; and their power being much greater than his, he got the worst of it?—Yes.

4180. That does not illustrate it?—It only illustrates the consequence of monopoly; if there had been competition his claim would have been immediately met, or investigated at any rate, and would have been settled.

4181. Mr. *E. Denison*.] Is this an instance of which there have been many similar cases, or is it a single instance?—It is an instance of which there have been many cases; Mr. Pridmore has suffered as much as any one; I am now speaking of friends of my own; and I can detail cases of my own, also, in which I have suffered.

4182. *Chairman*.] Are you prepared to say there are cases of dispute between individual traders and the company?—There are.

4183. Are you prepared to give any general evidence in the nature of showing that as railway companies have been permitted to amalgamate with each other; as, for instance, when the Grand Junction, arriving at Birmingham, amalgamated with the London and Birmingham, or when the Birmingham Canal was amalgamated with the Railway; when any of these changes have taken place, has it been productive of any general evil consequence to the people of Birmingham?—We conceive it has, because we have no alternative but to send our goods by their line, and consequently our goods are altogether stopped, if we do not immediately meet the unjust claims which the railway company make.

4184. Now, to come back to such a case as you have begun with; suppose the trader, instead of taking the law into his own hands, had tried a suit in the County Court with the company, do you mean that the company would then have resorted to the powers which monopoly gives them for the purpose of crushing that trader?—I have known instances where they have threatened to do so; have stopped his

goods

goods altogether, and have also threatened him with higher rates, by which his trade would have been entirely destroyed or materially injured.

4185. Mr. *W. Patten.*] In the first case you have mentioned what was the result?—It was carried on for several months, and an action was brought, and, after very great difficulty, and much money being expended, the company were obliged to pay heavy damages; but during this time his trade suffered very materially.

4186. *Chairman.*] Do you mean, that from the great powers of these amalgamated companies, the ordinary remedy of an action at law is not available as a sufficient protection for the individual trader?—I do; and particularly smaller traders, dealers in perishable articles, and drovers, to whom prompt delivery is of great consequence to their cattle, and who suffer very much by any delay. When they have claimed redress they have found retaliatory measures taken against them, and impediments put in the way of their traffic. Other traders of less amount of capital have been told that if they have any claim to make they must go to law, and their goods have been stopped at the station for a day or two, much to their inconvenience, purposely to annoy them.

4187. Do you mean to represent to the Committee that if a trader, having a fair question of dispute with the London and North Western Company, and taking the ordinary legal means for enforcing what he considers to be his rights, the company resort to vindictive modes of oppression, by which he incurs the most serious injury in the transaction of his business?—I do, and it is by no means a solitary case.

4188. Mr. *W. Patten.*] The case you mentioned was not one of that kind?—No, it was not; that was a man who could afford to pay damages, and he determined to resist it.

4189. You have given an instance in which a person took the law into his own hands; he assumed that the sum due to him was the sum that he assessed, and he deducted that precise sum from his debt to the company, not going through any legal process for the purpose of ascertaining the amount that he was entitled to deduct?—There was no difficulty in ascertaining the amount of it. He sent in his claim for the amount, and it was not positively disputed, but they threw impediments in the way of settlement, and said, "You may go to law with us." There was no doubt about the justice of his claim, and, as is usual, he said, "I will deduct it from the amount of my carriage." It was formerly so done with the carriers, before the railway system was adopted; any claim you had was deducted from the quarterly amount of carriage.

4190. The instance that you have mentioned, was an instance where the trader chose to assess his own claim, the company not admitting that claim was just; now, you are understood to say that it is their practice if people go to law with them, to act vindictively towards those people, and injure them in the ordinary conduct of their trade?—That has been frequently the case.

4191. Can you give any specific instance in which that mode of oppression has been resorted to?—Mr. Pridmore can illustrate that better than I can.—(Mr. *Pridmore.*) I never went to law with them.

4192. To Mr. *Lloyd.*] If you are going to give a specific instance, you had better state the names?—Mr. Thomas Cattle had a claim against the London and North Western Railway Company, which he attempted to deduct from the amount of his carriage, and brought an action against them for the amount. During the course of the proceedings his trade was much impeded, by requiring unusual settlements of his account previous to the delivery of his goods, and by throwing impediments in the way of the delivery of his goods.

4193. Mr. *E. Denison.*] What was the end of this?—The end was that the railway company paid very heavy damages.

4194. After they paid those damages, how did the business go on then?—They are very civil indeed now; they are more civil since this Committee has been sitting, much more so; and since our demonstration in Birmingham, they have been in some degree more civil.

4195. *Chairman.*] Have you perceived at Birmingham that the question of facility of conveyance has been affected by the several amalgamations which the company have formed with the Birmingham canal and with different railway companies?—We consider that it has been rather prejudicial to the trade than otherwise.

4196. Are you desired by those whom you represent to make any suggestions to the Committee as to the mode in which Parliament should legislate in future

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upon the subject of these railway companies?—I am not prepared to recommend anything as decided upon by the committee in Birmingham. There are differences of opinion; but they are all united in the opinion that amalgamations generally are prejudicial; that it is extremely difficult to prevent them; and, in order to avoid the consequences, that Government interference is necessary.

4197. Mr. *E. Denison.*] Do they say why they are very prejudicial?—Because they prevent competition, which we consider the best remedy against the evils of which we complain.

4198. Are you aware that when railway systems have been pretty much completed, as in the neighbourhood of Liverpool and Manchester, that competition ceases by the arrangements made among the companies to divide the traffic among them?—We are aware of that; but still there is a danger of rivalry, we presume, or rather, there is the alternative of applying to one mode of conveyance if you are not served well on the other. It is impossible to prevent a railway making what they call traffic arrangements; but still, if there are two modes of conveyance, there is the alternative to apply to one if you are badly treated by the other.

4199. There are two modes of conveyance now to Birmingham?—There are.

4200. Then would not they remain open?—It is hoped so; but they are not completely independent. We conceive that the Grand Junction Canal Company have some arrangements with the London and North Western to keep their rates up to a certain amount.

4201. We have been presuming that rates can be arranged by parties agreeing among themselves; but you have said still there would be an alternative lying open?—That is the only protection that we have against such an arrangement.

4202. *Chairman.*] You have now, from Birmingham to London, the narrow gauge, the broad gauge, and the canal?—We have.

4203. Does the existence of those three several modes of communication operate as a protection to you?—It has operated as a great protection; and a considerable degree of facility of accommodation has been given since the broad gauge has been opened.

4204. Have you found, to a certain extent, that you enjoy between Birmingham and London the benefits of competition?—We do; there are many occasions on which I and others have suffered from arbitrary proceedings, which we conceive to arise entirely from the monopoly which the railway company enjoys.

4205. Mr. *E. Denison.*] Are you in the habit of using the broad gauge yourself chiefly?—There has been no broad gauge to Liverpool, with which my trade is chiefly.

4206. Do you chiefly employ the broad gauge for your purposes?—I shall do so, now it is open to London.

4207. It has been some time open to London?—Not very long for goods traffic.

4208. Since it has been opened, have you been in the habit of sending goods by it?—I have sent goods by it, and I have found that it is as punctual and takes as short a time as the narrow gauge.

4209. From what you said, it might have been expected that you had found it more so, because you say, the narrow gauge has been very unpunctual and exacting?—Yes, they have; and I find the broad gauge, although a longer distance, and more circuitous as to route, as convenient for the Birmingham trade as the narrow gauge.

4210. *Chairman.*] Speaking generally, do you mean that the Birmingham people are desirous of having as much competition as possible, and as little monopoly?—They are most desirous.

4211. Are there any suggestions of a more specific character that you have been commissioned to offer?—One idea has been thrown out by the secretary, and generally approved of by the committee I represent, that of having a tribunal to appeal to in matters of dispute, whose decisions might be final without the power of appeal to a superior court, and certain regulations as to the costs.

4212. *Chairman.*] The county court answers pretty well the description of tribunal which you have been speaking of?—They can be moved from the county court; another suggestion is the publication of fixed rates, and that there should be no arbitrary rates imposed.

4213. Do you mean that they should not make special bargains with individuals to carry for one man at a lower price than they carry for another?—Exactly so; nor

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nor should they charge a higher rate because that individual may have a claim pending against them.

4214. Is there anything else you wish to add?—Mr. MacGregor, the former witness, was allowed to offer matters of opinion; perhaps I might be allowed to do so, in the same way.

4215. We have called you for the purpose of hearing what are the wishes of the gentlemen with whom you act, and at present you have not gone further than to say you want as much protection against the power of the railway companies as you can get, but you have not made any specific suggestion of the wishes of your friends as to the mode in which that is to be accomplished?—They have not taken on themselves to do that; they consider that it is to be left to the Legislature to devise some remedy.

4216. But you object to more extensive amalgamations?—We do decidedly. I would only remark that Mr. MacGregor seemed to think that the railway interests were to be considered paramount to that of the public, and that dividends were to be protected, as the primary object of legislation, more than the benefit of the public. His remarks upon branch lines, which I heard, seemed to put altogether out of the question the principle that railways are the great highways of the traffic of the country; and that a railway company has no right to make any impediment to traffic coming on it, any more than a turnpike road has to impose an additional toll on traffic coming by a new line opened into it. In the preambles of all their Bills, the railways originally state that the object is for the benefit of the country, and if those objects are not carried out, we conceive that the Government is not protecting the interests for which they were originally established. The railways are the great highways of the traffic of the country; they have obtained the control of the water carriage in many instances, and we have no protection whatever against their monopoly. Their sole object is that of obtaining dividends for the investment, as an investment, and the Government alone is the only power that we can look to for protecting the traffic of the country. We consider that the goods traffic of the country is of more consequence than the passenger traffic. Everybody in a village feels the influence of the goods traffic of a district which is in any way impeded; whereas only the individuals who happen to be travelling on the line experience inconvenience from any impediment by the trains. Hundreds of hands in a manufactory may lose the employment of days by the obstruction of a single truck-load of raw material; and the business of weeks and months of a trader may be prejudiced by an impediment in the delivery of his goods. We also conceive that it is hardly justice that railways should come to the Government now, and ask them to protect them against competition, and to enable them to pay dividends upon the large amount expended in law and oppositions to other railways. I hold in my hand a series of resolutions that were passed at a meeting that was held at Birmingham.

4217. Mr. *W. Patten.*] Of whom was the meeting composed?—Of merchants and manufacturers; the meeting was publicly called.

4218. *Chairman.*] And you were appointed a committee to watch the question of amalgamation, during the present Session of Parliament?—Not exactly so; we were appointed merely as witnesses. There were other gentlemen who were to have come to have stated some circumstances.

4219. Mr. Chance was to have come?—Yes, he was most anxious to have attended, but has been prevented.

Lunæ, 9° *die Maii*, 1853.

MEMBERS PRESENT.

Mr. M. Milnes.	Colonel Mure.
Mr. Laffan.	Mr. E. Denison.
Mr. Cardwell.	Mr. W. Patten.

THE RIGHT HON. EDWARD CARDWELL, IN THE CHAIR.

Mr. *James Allport*, called in; and Examined.

Mr. *James Allport.*

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4220. *Chairman.*] ARE you the Manager of the Manchester, Sheffield, and Lincolnshire Railway?—Yes.

4221. Having formerly been Manager of the York, Newcastle, and Berwick Railway?—Yes.

4222. Will you state your opinions on the subject of railway amalgamation?—I have been connected and concerned with amalgamations now for some years; first, with the system which now forms part of the Midland Railway, having had the management of one portion of that line, the Birmingham and Derby, also with the York, Newcastle, and Berwick, which is a series of amalgamations between seven or eight different companies; and as far as my own views of amalgamations go, I certainly think they are very beneficial, both for railway companies and the public.

4223. Does that opinion apply to amalgamations to the utmost extent, or do you mean any such amalgamation as those which you have last spoken of?—I would extend amalgamation much beyond what it has hitherto gone; but I do not say to the utmost extent. I think it would be exceedingly difficult to amalgamate the whole of the railways.

4224. In very great amalgamations, is there nothing due to the smaller companies who are in the neighbourhood of the great schemes united?—I think you cannot amalgamate larger companies without taking in the immediately adjoining or smaller companies; but I think, on a careful consideration of the map, district amalgamation is very feasible, without that large one which is pointed out by one or two witnesses; that is, the whole of the railways united.

4225. Illustrate what you mean; mention, for instance, your views on the subject of uniting the Midland and the North Western?—The Midland I consider a continuous line, to all intents and purposes, of the London and North Western to some of the most important towns in the kingdom; it is not a lateral line by any means, excepting one or two of its branches.

4226. The Midland extends from Gloucester to York?—No, from Gloucester to Leeds, not to York; at Normanton, it joins on to the York, North Midland and North Western, which is proposed to be amalgamated with the York and Newcastle; but the traffic from Gloucester to Leeds, in that direction, is not so important as the traffic coming from the manufacturing districts traversed by the Midland into the London and North Western system; it is there I consider it a continuous line. The Midland commences at Rugby, and runs to Leeds.

4227. Then you would consider that such an amalgamation as that of the North Western with the Midland is much to be recommended on public grounds?—Yes.

4228. In what respect do you think the interests of other Companies should be considered in sanctioning such an arrangement?—In that particular amalgamation, there are probably no smaller companies much interested. The only one is the Ambergate; I believe that is already amalgamated with the Midland and the London and North Western.

4229. The chairman of the Great Northern was examined before this Committee, and spoke of his line as being one, the powers of which will be considerably affected by such an amalgamation as that of the North Western and the Midland?—I cannot see, I must confess, what community of interest the Great Northern and the Midland can have. The London and North Western and the Midland united run from London to Leeds. Those are two most important places. The Great Northern also runs from London to Leeds; the Great Northern

Northern runs to York, and several of the important towns reached by the Midland, but there are very few places indeed between the Midland and the Great Northern that interchange traffic, excepting lateral traffic, which really would not be in any degree affected by an amalgamation of the London and North Western and Midland Railways.

4230. With regard to running clauses, have not the Great Northern running powers over the railway of which you are general manager?—Yes, they have on certain parts of it. I observe, in Mr. Clarke's evidence, that he states they have running powers over about 126 miles of foreign lines. I think that includes two or three portions of ours, over which they have no Parliamentary powers. They have Parliamentary powers as between Retford and Sheffield, and between Gainsborough and Retford; the only Parliamentary powers they exercise at present are between Clarborough and Sheffield.

4231. What is your opinion about the operation of running clauses as regards safety?—I was always opposed to running clauses, but from the experience I have had of the Great Northern running over the Manchester, Sheffield, and Lincolnshire, I am of opinion that they are more dangerous, and more to be deprecated, than what I formerly considered. Mr. Clarke states in his evidence that they have running powers over 126 miles of railway. I want to show, of the 126 miles which they really do use of other railways, that the greater portion is used either exclusively by themselves, or so partially used that it can be no criterion of what is the effect of running powers generally. From Askerne to Knottingley is eight and a half miles, and with the exception of one goods train worked by the Lancashire and Yorkshire, those eight and a half miles are worked exclusively, I believe, by the Great Northern; consequently there can be no risk on that portion.

4232. Mr. *E. Denison.*] Are they on lease; or how is it?—It is a part, in fact, of the main line from London to Leeds and to York.

4233. *Chairman.*] Will you state the circumstances of that particular portion of which you are now speaking, as being run over by the Great Northern, namely, the line from Askerne to Knottingley?—The local traffic is so small, that it is more convenient in every way for the Great Northern to work that to the Lancashire and Yorkshire; consequently, they do not run any passenger trains, and I believe only one goods train. From Askerne to Knottingley is the property of the Lancashire and Yorkshire.

4234. It consists partly of the direct line from London to York?—Yes.

4235. And is worked by the Great Northern?—Yes, from Knottingley to Methley, which is also a portion of the Lancashire and Yorkshire Railway, eight and a quarter miles is worked exclusively by the Great Northern Railway Company; from Barnsley to Mexborough, which is ten miles, and belongs to the South Yorkshire Railway, the Great Northern works it exclusively, with three passenger trains each way daily, and the coal trains.

4236. Do you know what the mode of payment is between one company to the other; is it by toll?—In a case of this kind, I believe the Lancashire and Yorkshire take their mileage proportion of the receipts, and allow the Great Northern 25 or 30 per cent., as the case may be, for working expenses.

4237. Then the whole profit goes to the company who are the owners of the line?—Yes.

4238. An estimate of deduction for actual cost of working being allowed?—Yes; there is a profit, of course, in the 30 per cent., which is generally allowed for working expenses. Then from Sykes to Retford, 13 miles, is the property of the Manchester, Sheffield, and Lincolnshire; since the opening of the continuous line the Great Northern work no passenger trains over it; they work five goods and coal trains each way daily; the Manchester, Sheffield, and Lincolnshire work the entire passenger traffic over that portion of the line.

4239. How do they work their goods traffic now?—The traffic is worked to Lincoln, and the Manchester, Sheffield, and Lincolnshire work the whole of the passenger traffic from Lincoln to Retford, where it joins the main-line train of the Great Northern.

4240. There is no mixture?—Excepting five goods and coal trains. From New Holland to Grimsby, the distance being 16 miles, the Great Northern have no Parliamentary powers over this portion of the line; they run by an alleged agreement; but for some time past they have only worked one passenger train each way daily from Grimsby, soon after four o'clock in the morning, returning from New Holland at 6·40 in the morning.

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4241. *Chairman.*] Is that by compulsory power, or by agreement?—There is an old agreement between the two companies, which we dispute, and which is now in the Court of Chancery; but to preserve their rights they run this one train.

4242. Mr. *E. Denison.*] Where is that one train from?—From Grimsby to New Holland, 16 miles; but, with the exception of the mail train, at 23 minutes past four, they run no engine or train over that portion of the line. From Knottingley to Burton Salmon, which is four miles, the property of the York and North Midland, the Great Northern work all the passenger trains, six each way daily, and the York and North Midland work one or two goods trains. It will be seen that that reduces at once the 126 miles nearly half, so that it cannot be instanced as a case of running over foreign lines without danger.

4243. Surely there must be some passenger train from York to Burton Salmon that is going westwards?—The whole of the passenger trains from Knottingley to Burton Salmon run forward to York.

4244. There are other trains surely from York passing Burton Salmon?—Quite so; the three portions of line over which the Great Northern work, with other companies, are 24 miles from Retford to Sheffield, the property of the Manchester, Sheffield and Lincolnshire; seven and three-quarter miles from Methley to Leeds, the property of the Midland, and 16 miles from Burton Salmon to York, the property of the York and North Midland. As regards the distance between Sykes and Sheffield, I am sorry to say, that since the Great Northern has exercised its running powers, we have had more accidents on that part of the line, with the Great Northern trains, than all the rest of the line put together.

4245. Can you trace those accidents distinctly to this exercise of compulsory powers on the part of the Great Northern?—Yes; make what arrangements you will, however stringent your regulations may be, the two managements cannot have sufficient control over the servants of the other company. I would mention as an instance, in 1851, soon after they commenced running, I found it absolutely necessary that the servants of the Great Northern should be supplied with the rules and regulations of the Manchester, Sheffield and Lincolnshire. I wrote to Mr. Clarke and sent a great number from time to time; I sent others, and repeatedly reiterated by letter the necessity of these men having our rules, but I find within the last fortnight, that there is a very large number of their men who have never had the rules. Of course, we have no control over these men; we cannot stop an engine at the junction at Sykes, where there is merely a pointsman, and ask the engine-man, fireman, and guard, if they have our rules and regulations. If you attempt to carry it out to the letter, there would be such an annoyance to all parties that it would be impossible to do so.

4246. Now, as the Great Northern are running by compulsory powers, trains from Sheffield to Retford, on what part of the line have they any servants stationed?—They have one clerk at Sheffield, that is all, except the servants attending the trains; of course the engine-men, firemen, and guards, are all servants of the Great Northern.

4247. But the permanent servants on the line, those who look after the line, and all servants at the stations, belong to your company?—Yes, they do.

4248. Then the complaint that you make of the servants of the Great Northern not being acquainted with your rules, relates to those servants who are actually working the trains?—Quite so, and, of course, there is more danger attending non-compliance with orders by servants working trains than servants merely at stations; it would be a matter of very little importance, as regards security to the trains, if the Great Northern had their own servants at stations.

4249. Do you state that drivers and guards, upon the Great Northern trains, work your line by compulsion, without being acquainted with all your rules and regulations?—Yes, they do.

4250. Mr. *M. Milnes.*] Do you think that this exercise of running powers is any cause of the accidents to which you have alluded?—Yes; I have a list of accidents which occurred upon the line, which is a very long list, I am sorry to say.

4251. State any case which you think illustrates the evil effects of these running powers; has there occurred any accident between Sheffield and Retford?—Between Sheffield and Retford we had a very serious accident with a passenger train; during the Exhibition, the Great Northern ran passenger trains over the line without even advising us of the time they would run, and one accident occurred

by

by which, I think, about 30 passengers were very seriously injured. It is quite true there was some degree of blame attending our own servants upon that occasion, but I am quite sure, if it had been one of the Manchester, Sheffield and Lincolnshire excursion trains, the guard, knowing the state of the line, and the difficulty in stopping a goods train, that that accident would not have occurred. I believe Captain Laffan investigated that accident, and is quite conversant with the whole circumstances of the case. It was on a very steep incline; this excursion train of the Great Northern had to pull up in consequence of some shunting of coal waggons, and a goods train which followed the Great Northern passenger train ran into it. Now it is an incline, if I recollect right, of about one in 115. There is a very great difficulty in stopping goods trains on such an incline, and although the engine-man of the goods train knew that the passenger train had immediately preceded him, he came to the conclusion that the passenger train had passed the point, and that they had immediately commenced again to shunt these coal waggons; he had a considerable distance to run, and he did not see the train in sufficient time to stop. That is one instance; but we have had accidents over other parts of the line, one a very serious accident in a tunnel.

4252. Do you wish it to be inferred, that the effect of these running powers is, that drivers come upon a line with which they are somewhat unfamiliar, and that, therefore, you have not the same chance of security that you would have where the drivers are habitually upon the same lines?—That is so. Taking their trains from Sheffield to Retford, they run the express train, in fact, all their trains, very much faster than they do upon their own line. I grant the time bills do not show a greater speed, but such is the fact. I do not consider those high speeds safe, and I am very much opposed to them; but still we have no power to prevent it. Running past stations is another very great evil. We have had two men killed by the Great Northern trains running past stations without the signal, which we make it imperative on our own drivers to use; that is, the whistle.

4253. Was that dreadful accident which lately occurred, not far from Sheffield, attributable to a Great Northern driver running too fast over a curve with which he was not familiar?—No doubt, quite so. Was that the case of an engine running off the line?

4254. Yes?—Fortunately, I think, there was only one passenger in the train, and no one was hurt; but there can be no doubt it was the excessive speed which caused that engine to run off the line. That accident was at Kiveton Park.

4255. Mr. *E. Denison.*] When one of your men was killed by a driver of the Great Northern neglecting to make a signal, which you consider it imperative upon your own drivers to make, what happened about that between the companies?—We have had two accidents of that kind. It was not one of our own men; it happened to be a builder who was erecting a station on the line; a train was standing at the station, a Great Northern train was coming up, no signal was given, and the man stepping off the platform on to the line, was killed instantly; and there was a second occurrence precisely similar to that.

4256. What took place?—There was an inquest; I did not attend that inquest.

4257. Do you know what the verdict given was?—I believe the verdict was "Accidental death." I believe no servant of the Manchester, Sheffield, and Lincolnshire was before that inquiry.

4258. *Chairman.*] Do you mean that through there being a divided duty, the management of the train being in the servants of one company and the management of the line being in the servants of the other, there was not that caution which is necessary for safety?—Yes.

4259. In this case, if the train had belonged to your company, the servant who managed it would have been compelled to give a signal by the whistle on passing the station?—He would not have passed the station at all at a rate beyond four or six miles per hour, with another train standing there; but this train passed through the station at the rate of 35 miles an hour.

4260. Then you say that the verdict was accidental death?—I believe so. Here are the particulars of that accident: "16 December 1850; Henry Wilson, passenger, waiting for train on platform at Leverton, standing near the edge of the platform, the Great Northern passenger train, not having whistled on reaching the station, ran through at excessive speed, and some part of the train struck him, or the draught of air caused by the motion drew him on to the line."

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4261. Mr. *E. Denison.*] Have you got any verdict upon that?—No, I have not; I did not attend the inquest. On 15 February 1852, a man named Evan Williams, employed on the line, was run over, and killed by a Great Northern passenger train. It is stated that the engine whistle was not sounded on approaching the station.

4262. Was evidence given upon the inquest that the whistle had not sounded?—I cannot answer that. I did not attend the inquest. I had no summons from the coroner; to the best of my recollection, no officer of the company knew that the inquest was to be held at the time it was.

4263. Do you think that the servants of your company, who were about the station, and attendant upon the station where the accident took place, were not summoned to the inquest?—There is but one servant there, the station-master; it is a very small station.

4264. Are you able to state whether the station-master, or porter, or whoever was there, was summoned to this inquest or not?—I cannot say; I think it is most probable he was. As far as my recollection serves me, the verdict was accidental death; but, nevertheless, such is the fact that I have stated.

4265. You have no hesitation in stating, that in these cases the train passed without sounding the whistle?—I have not the slightest doubt in my mind about that; in fact, I have here a hundred cases of neglect, any one of which might have been attended with serious accident and loss of life; fortunately the greater part of them escaped, but there are no less than seven occasions on which special trains have been run without notice. I observe, in Mr. Clarke's evidence, that he states that notice is given when a special train is intended to run, either over their own line, or over another. In a very short time after that evidence was given, I had a report from one of our station masters of a special train being run from Retford to Lincoln without the slightest notice. I think Mr. Clarke himself was in the train; in fact, he was the only person in the train.

4266. *Chairman.*] Then, upon the whole, do you consider that the system of running the trains of one company over the line of another company, is inconsistent with safety to the public?—So much do I consider that, that I have recommended my Board, in the last two Sessions, although it is a very strong measure, to apply to Parliament to repeal the running powers they now possess.

4267. Do you mean the running powers that they themselves possess, or other people possess over their line?—That they themselves possess, as between Sheffield and Retford.

4268. Mr. *E. Denison.*] You mean that the Great Northern possess?—Yes.

4269. *Chairman.*] Is what you have recommended your Board to do, to obtain from Parliament a reversal of the powers other companies possess over the line belonging to your company?—Quite so.

4270. Mr. *E. Denison.*] Now, with regard to trains passing stations rapidly, do you give the trains which come upon your line by compulsion, facilities for stopping at your stations?—Yes, they can stop; but it is not their interest to stop at any of these small stations. They can, if they please, stop at any of them; but their object is, of course, to run as quickly as possible from Sheffield to Retford; before the towns' line opened, of course it was from Sheffield to Lincoln; they have never even applied to me to stop at any station between Sheffield and Retford.

4271. But, practically, do they stop at a town like Worksop, or habitually pass on?—They stop occasionally; but probably nine times out of ten they pass without stopping.

4272. Then there is the additional element of uncertainty; they have the power of stopping; sometimes they exercise that power, and sometimes they do not exercise that power?—Quite so; they do not stop unless there are passengers to take up; they do not book passengers from Worksop to Retford.

4273. But suppose a passenger was to book from London to Worksop?—Then they would stop.

4274. Nobody knows whether they are going to stop or whether they are not?—No.

4275. They have the power, if they please, to pull up?—Yes, they have.

4276. Mr. *Laffan.*] At any station?—At any station between Retford and Sheffield.

4277. Mr. *E. Denison.*] Have you anything else to state with regard to running clauses?—If you will permit me, I could go through a list here very hurriedly.

hurriedly. I have mentioned that there are seven cases of special trains without notice. I have five cases of Great Northern drivers passing danger stop-signals.

4278. Mr. *Laffan.*] Will you state under what circumstances; did they pass at passenger speed?—Passenger speed; all these cases have been cases of wilful neglect.

4279. Or ignorance?—I think not ignorance, because we use the semaphore signal, the same as the Great Northern.

4280. Can you distinguish whether it was a train being unable to stop, or whether it was a train coming on totally disregarding the signal?—A total disregard of signal. I have in this list three cases of trains being left on the main line without the usual precaution having been taken to protect them from any coming train. I have a case of an engine running on a wrong line in consequence of the train breaking down and running a considerable distance on the wrong line, without any signal or guard having been sent back. I have 10 cases of disobedience by Great Northern drivers of orders positively given.

4281. But what sort of disobedience do you mean, like those you have mentioned of passing the signal?—I mentioned one that occurred within the last few days of a Great Northern engine; at Grimsby they use a portion of our line a short distance, probably not more than a quarter of a mile; they have been in the habit for a few days, without the knowledge of the station-master, of running their engine on the wrong line for the purpose of turning. The station-master gave positive orders that that should not be allowed; the signal-man had orders to stop the train, and the man drove past totally disregarding the order. There are numerous other instances very similar.

4282. Mr. *M. Milnes.*] When those similar instances occurred, did you remonstrate, or what did you do?—In every case I have mentioned here, I have written letters to the Great Northern manager, and I am sorry to say in very few instances have I received any reply.

4283. Mr. *E. Denison.*] Then if Mr. Clarke is examined, he will have received notice from you of their occurrence?—If the Committee choose, I can put in copies of every letter; it is a long correspondence. There are many other cases of the kind.

4284. Mr. *M. Milnes.*] Are the two companies well agreed together upon other points?—There are some important matters which are not settled between the two companies.

4285. Mr. *Laffan.*] Does not your experience of amalgamation, in the instances you have quoted, refer to continuous lines?—Most of them have been continuous lines, not all; for instance, there are several lateral lines connected now with the York, Newcastle, and Berwick.

4286. Either continuous, or lateral; they are not parallel lines?—Not exactly parallel lines.

4287. You instanced that you thought it might be of advantage to the public if the Midlands were amalgamated with the London and North Western, because the Midlands and the London and North Western formed a continuous line from London to Leeds, and the Great Northern formed another continuous line to London and York; would you extend that remark, and say, it would be to the advantage of the public that an amalgamation should take place between the London and North Western and the Great Northern, so as to amalgamate the two lines which run parallel between London and Leeds?—No, I think not; I do not think it would be at all necessary; there are two independent lines of railway.

4288. Do you think any injury, discomfort, or inconvenience to the public could arise from that amalgamation?—I am not aware of any evil that could arise, but I cannot see that would justify amalgamation of that kind. I do not think it is at all necessary to join two lines running directly from one point to another through a very different country. The Great Northern is a very necessary line for the east coast; the London and North Western is a west coast line. I look upon the London and North Western, and the Midlands, as essentially a west coast line.

4289. Then your recommendation as to amalgamation would be to group railways into systems of amalgamation, but to keep the systems independent of one another?—Yes; I think about four or five or six great systems of railway would be very beneficial both to the country and to the companies themselves.

 4290. *Chairman.*]

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4290. *Chairman.*] It has been a subject of inquiry before this Committee whether the more stringent laws which are in operation in Scotland as regards the criminal responsibility of railway managers, could with advantage be extended to this part of the kingdom?—I do not think you could. Of course I may be supposed to speak feelingly upon that subject, but as far as my experience of railway directors and railway managers goes, it is that they are only too anxious to adopt anything that will ensure safety to the public. I am quite sure that if you were to make it criminal, in case of negligence, applying to the manager, you would not increase his care or his desire to protect the public. I speak from my own experience, and, at the same time, you would certainly have very great difficulty in getting a good class of men to serve on the directory.

4291. You are speaking, no doubt truly, of managers who are not culpably negligent; they, therefore, would not come under the operation of any law which was only intended to apply to those who are culpably negligent?—It is a very easy matter to make an act of forgetfulness culpable negligence. I have seen so much of coroners' inquests, and cases of claims for compensation, that the merest act of thoughtlessness on the part of a servant is very generally construed into an act of gross negligence, and the company is made to suffer in proportion.

4292. Do you think that thoughtlessness which led to serious risk of human life, ought to be free from punishment?—As far as I can understand the existing law, parties culpably negligent are criminally amenable; for instance, if an engine-driver runs recklessly past a signal and kills a passenger, I apprehend he would be criminally liable; and you may extend that to the highest officers, even to the directors, if you can show that it is through their gross negligence and culpability that life is lost; I fancy that the present law would reach that case.

4293. The present law makes culpable negligence, followed by death, manslaughter; but culpable negligence followed by an accident short of death, is not within the same category?—No, it is quite true it is not; but in cases of that kind, compensation is a very heavy punishment, both to the companies and also to the officers of the company, because directors do not like to pay large sums of money in the shape of compensation without some good cause being shown.

4294. Do you see any good reason why a serious accident, which does not terminate fatally, should not be a matter of criminal procedure, as well as a serious accident, which does not terminate fatally?—No, I do not. I do not quite understand the question; I do not see how you would put it; supposing, for want of a particular rule, an accident occurred, did your question imply that the manager or the director should be held criminally liable for not providing that rule?

4295. How would you deal with such a case as that?—I say that is one of those things that experience can only show the necessity for, and that when it does occur, the rule or the particular provision is at once applied to the case; that is my experience.

4296. Of course it never could be the intention of Parliament to visit with the penalties of culpable negligence those who were not guilty of culpable negligence; but it is found, in Scotland, that the more prompt application of criminal law to those who are engaged in the management of a railway is popular, as it has been stated, with the community of Scotland, and is found to operate beneficially?—I know a good deal of Scotch railways. I have been there a great deal, and I certainly do not subscribe to the opinion that it is popular; I cannot subscribe to its justice. I recollect one case, in particular, where a locomotive superintendent of the Edinburgh and Glasgow line was imprisoned, I think, twelve or eighteen months. My own impression is, that that was an injustice; with the full knowledge of every particular attending that case, I consider it one of injustice to that man; and I think that must have been the opinion of the directors, for he was reinstated after his release from prison.

4297. Do you think that the tendency of such legislation would be to discourage men of the same degree of respectability as the persons who now fill those offices from seeking them for the future?—I think so; speaking for myself, I should be very sorry to be a manager of a railway with such a law.

4298. It being admitted that you are not culpably negligent, you are still apprehensive that, if there were such a law, you might be visited with the penalties of culpable negligence?—I have seen so much of juries, that I am quite satisfied that what I before stated would be the result, that an act, I will not say of thoughtlessness even, but such an act of negligence as that you could not probably think of before it occurred, would be construed by a jury into criminal negligence.

4299. That

4299. That is the case now, is it not, if death be the consequence?—It is the case in almost all actions for compensation.

4300. Is it not the case, that if death could be traced to conduct, on your part, of a culpably incautious character, you might be liable to be indicted for manslaughter?—Quite so.

4301. But if no death occurred, you could not be indicted at all?—I believe that is the law.

4302. Do you see any sufficient ground for that distinction?—Probably not.

4303. Mr. *Laffan.*] Theoretically, that may be the law, but practically, from your experience of the management of railways, do you think that the machinery of coroners' inquests is one that could bring such a law to bear; have you known any instance in which an act of thoughtlessness, leading to disastrous consequences, has been visited with criminal punishment by a coroner's jury in England?—There have been many; a great number of railway servants have been indicted, such as guards, station clerks, engine drivers, and so on.

4304. You have instanced two cases of death arising from what you described as neglect, which could be called criminal, in some of the servants of the Great Northern Company; they neglected to comply with the rule of the company on whose line they were running, of sounding the whistle on approaching a station, and they neglected another rule, in running at high speed on passing a station; a coroner's inquest sat to inquire into the circumstances attending the accidents, and in neither case was any criminal verdict found against the parties who had been so culpably negligent?—No.

4305. Does not that seem to establish that it was not the law which was in fault, but the machinery which was put in force?—It does.

4306. A coroner's jury and coroner, not having that practical experience of railway management, or that knowledge of the law which was necessary to shape their evidence so as to arrive at a correct result, came to an incorrect conclusion?—I think that will apply to every kind of accident as well as railways. I think the machinery of a coroner's jury is very good in most cases, and very inefficient in others: it does not simply apply to railways, but I think it applies to almost every other conceivable case of death by accident.

4307. But the case of death by accidents on railways belongs to a new and totally different class of accidents from any which have been observed before, and are very much beyond the knowledge of parties forming the jury; might it not, therefore, be desirable, in order to apply the law in cases of railway accident, that the coroner's jury might be assisted by the advice of a public prosecutor, which should enable them to arrive at a correct decision?—Coroners generally are very well acquainted with the law; they are generally lawyers themselves; in nine cases out of ten, I believe, they belong to the legal profession; they are acquainted with the law, and I can see no difference between an accident on a railway and an accident by a stage-coach. I fancy the proprietors of a stage-coach would be equally responsible with the proprietors of a railway, and accidents by stage-coaches have been much more numerous than on railways. I should infer from that, that coroners themselves, and coroners' juries, are fully acquainted with the law of the case. I do not see why you should apply any different rule to railway accidents that you do to stage-coach, post-chaise, or any other accident that might occur.

4308. Is it not a sufficient reason that an accident on a railway being so mixed up with technical and professional knowledge, it is not in the power of men who generally compose a coroner's jury to have a correct idea of what the circumstances were which led to the accident?—I never attended a coroner's jury without feeling convinced that they were pretty well alive to the business before them, and that they generally contrived to get out the facts of the case. I am speaking now of my own personal attendance at inquests. There may have been others where they have not. I have known accidents by stage-coaches where the real facts have not properly been brought before the jury.

4309. You have instanced two cases where deaths have arisen from gross neglect of the servants of the Great Northern Company, and in neither case was that gross negligence visited by criminal consequences?—I am not speaking of my own personal knowledge of those cases. I think the verdicts were "Accidental death." I did not attend, and had not anything to do with them; still I have attended upon coroners' inquests, and I have always found them quite alive to their duties.

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4310. In the case where a railway accident is attended with death, the difference between the practice in Scotland and that which obtains in England, does not arise so much from any difference in the law as from a difference in the machinery by which the law is put in force; in Scotland they have a public prosecutor, who applies the law; there is no such machinery in England; it appears that in Scotland what are thought to be good consequences have followed from the practice which obtains in that country, whereas in England the law has not been so strictly enforced; and it is generally thought that some neglect may be attributable to that circumstance?—I am not at all opposed to a public prosecutor. If a public prosecutor is to be appointed, let him be appointed for all cases; do not single out the railway interest, and say he shall be public prosecutor for railway accidents. I do not see anything to justify selecting railways from steamboat accidents, or gasworks accidents, or boiler explosions, or the thousand-and-one accidents that occur in the course of a year. I think they should all be put in the same category.

4311. But would you see any objection to the appointment of a public prosecutor to assist coroners' juries in all cases where death arose from causes which might not place the circumstances of the death within the knowledge of the parties forming the jury?—That is a question I have not turned my attention to. I am not a lawyer. I dare say it is a very necessary appointment, but I cannot give an opinion.

4312. Without altering the present state of the law, if such a public prosecutor were appointed, whose duty it should be to bring the circumstances of each case before a coroner's jury, do you think the appointment of such an officer would lead to the abandonment of their positions by men now charged with the practical conduct of affairs on railways?—No, I do not; certainly not. I do not see that any person could object to the whole facts of the case being brought out before a coroner's inquest, or any other tribunal. I for one should not object to its being sifted in the fullest manner; but I do not see that the appointment of the officer you have named would in all cases lead to that better than the present system.

4313. It would not affect the position of men conducting the out-door work of railways, if it were simply for the purpose of eliciting facts?—No, it would not.

I observe in the evidence given by Mr. Denison, more particularly, that great stress is laid upon the obstructions thrown in the way of the public at junctions by these arrangements. In the Third Report, p. 109, there is a long statement with reference to the arrangements existing between the Manchester, Sheffield and Lincolnshire, the Midland, and the London and North Western, and he states that there is a very great obstruction and difficulties thrown in the way of the public at the junction of the two lines at Retford. I wish to make one or two observations on that. By a reference to the map, it will be seen that the Manchester, Sheffield and Lincolnshire is essentially an east and west line; the Great Northern is a north and south line. It is stated in the evidence that the distance from London to Manchester, *viâ* Retford, is 203 miles, and that *viâ* Birmingham it is 197½ miles. It is not stated that the distance from London to Manchester by the Trent Valley is 188 miles, making 15 miles difference, or by the North Stafford 21 miles nearer. It is quite clear, if the map is referred to, it will be seen that it is a matter of impossibility for the Manchester, Sheffield and Lincolnshire line, or any other lateral line, so to time its trains as to fit in at every junction. Taking the commencement of our line at Manchester, there we have to run in connexion with the trains from Liverpool to Sheffield, Hull, and Grimsby, and the whole of the east, which is very important traffic. We come again to Peniston, where we join the Lancashire and Yorkshire; we come again to Sheffield, where we join the Midland; at Retford, where we join the Great Northern, we have to run down to New Holland, where we have a ferry across the Humber, and so time our trains that we have to take the passengers of two or three trains from Grimsby and Lincoln, with those from Manchester, over in the same boat, because it is a most expensive ferry to work. The trains from Lincoln have to run in connexion with the Midland; at Grimsby, they have to run in connexion with the Great Northern; so that it will be seen it is impossible to fit those trains at every junction to suit the convenience of the north and south trains. I think it would be a very gross act of injustice, as Mr. Denison and Mr. Clarke would lay down here, to compel railway companies to run trains to meet any other trains which chose to be put on at these junctions. The Great Northern suit their trains to run between London and York and Leeds;

Leeds; they think it a very hard case that the Manchester, Sheffield and Lincolnshire do not put on a train to meet every one of theirs. With quite as much propriety might we say, it is a very hard case that you do not put on trains from York to London to meet our trains coming from Manchester, because we have connexions which we cannot very well disconnect ourselves from; that is, from Liverpool, which is an important traffic, to Sheffield, and eastwards. I find, in taking out from our time bills, commencing in August 1852, when the towns' line opened, that there probably has been a better connexion at Retford with the Great Northern trains than can be found upon any lateral cross line similar to ours in the kingdom. Here is a table by which I find that in July 1852 the Great Northern ran six trains through, four of which were in connexion with the Manchester, Sheffield and Lincolnshire. In August, they ran seven, five of which were in connexion. In September they ran seven trains, six of them in connexion with the Manchester, Sheffield and Lincolnshire, and so on, down to the present time; until this last month the Great Northern have had six trains, all of which are in connexion with the Manchester, Sheffield and Lincolnshire. I beg to hand in that table.

Vide Appendix.

4314. *Chairman.*] Then do you mean to say that if it had been imputed that the Manchester, Sheffield and Lincolnshire have some arrangement or connexion with the London and North Western, in consequence of which they discourage the competition from London to Manchester, and *vice versâ*, by way of Retford, that that imputation is unfounded?—No, I do not mean to say that; I say that the traffic which the Great Northern brings from their own line, we give it every facility which it has a right to expect.

4315. Mr. *E. Denison.*] Supposing that you were, without entering into these minute points of every line, finding a corresponding train, do you not think that it would be desirable that some superintending power, or some board, should be able, for the convenience of the public, to make reasonable accommodation?—I have not yet seen a case; I certainly have not seen it made out, by the evidence that I have read before this Committee, that there has been any public inconvenience sustained. I think that if companies are to have protection for those districts, that the public ought to be accommodated. If there is any want of accommodation, the companies ought to be compelled to go to arbitration. The mode of arbitration suggested by some parties I totally differ from; I do not think that it ought to be a compulsory power that the Board of Trade or any Government body should appoint an arbitrator; I would make it compulsory on the parties to go to arbitration in the usual way; let them appoint an arbitrator each, and the two an umpire; but if either company refuse to appoint an arbitrator, then I would give the Board of Trade the power to appoint one for them, and make that compulsory. I see not the slightest objection to arbitration, but I see an objection to the mode pointed out by some of the witnesses.

4316. *Chairman.*] Suppose the Great Northern were to say it would be very convenient to the public that a portion of the Manchester traffic should go by way of Retford, and inasmuch as that would confer a very great mileage upon the Manchester, Sheffield and Lincolnshire, it can be no hardship upon them that they should carry it by that route; but by reason of some arrangement existing between them and the London and North Western, they will not receive it upon advantageous terms; do you think that that is a sort of matter which should be compulsory upon the Manchester, Sheffield and Lincolnshire to refer to arbitration?—No, I think it ought not, because that would imply a very considerable reduction of rates of the Manchester, Sheffield and Lincolnshire. The Great Northern have power to send their traffic from London to Manchester. What we object to is, that the Great Northern should, for the sake of competition, reduce our rates in the way they would shadow forth here; probably there is not a worse line, as regards gradients, or a more expensive line to work, in the kingdom than ours, as between Sheffield and Manchester.

4317. Would not these matters, which you are now referring to, be matters that an arbitration would take cognizance of?—As long as a company keeps within its Parliamentary powers, I do not think it is a matter of arbitration. Parliament has thought proper to give us certain tolls; I do not think it is just that the Great Northern should compel us to go to arbitration to reduce our tolls, which is really what they want.

4318. If the London and North Western could make it worth your while to close the road from Retford to Manchester against the Great Northern, you

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you think it would be a great injustice to you that any superior power should open it?—I think the Manchester, Sheffield and Lincolnshire should be compelled to carry traffic over its own line from Retford to Manchester, provided they are allowed to charge the tolls and rates that Parliament has given them. That we have done; the Manchester, Sheffield and Lincolnshire have never objected to take, for instance, a waggon of goods from Retford to Manchester; but what we require is that we should be paid our tolls.

4319. The maximum toll in every case?—Not the maximum; we require what we charge ourselves from Retford to Manchester.

4320. Mr. *E. Denison.*] If you think that your company should be required to carry passengers, do you think it would be unreasonable that you should be required also to make arrangements which would enable passengers to go by it, because that is the question immediately in issue?—I think not; I think if we did not provide trains to meet the Great Northern, I will not say in all cases precisely at every moment, but a fair and reasonable amount of accommodation, and carry those passengers forward, we ought to be compelled to do so.

4321. That was the question you were before asked, whether if some concessions, such as you have alluded to, were given to existing railways, there should not be some superior controlling power that should be able to enforce regulations as between these railways for the convenience of the public?—Yes, I think there should. I think that the public should not be inconvenienced, but I do not think that the rates and fares should be interfered with.

4322. The question did not refer to trains meeting, but whether other matters in dispute, such as the rate at which this accommodation could be afforded, would not also be matters for just arbitrement and settlement?—Certainly not, so long as the company kept within its Parliamentary charges.

4323. *Chairman.*] Is what you contend for this, that so long as the Manchester, Sheffield and Lincolnshire keeps within the rule established by your Act of Parliament, they have a perfect right to enter into an arrangement with the London and North Western, the practical object of which shall be to prevent you and the Manchester traffic from pursuing the route *viâ* Retford to London?—At less rates than we are authorised to charge. It is simply this, that I do not consider it would be just that we should be compelled to carry a passenger from Manchester to Retford for 10 *s.* if our fare is 1 *l.*

4324. Mr. *E. Denison.*] My question was not as to rates, but referred to the subject of public convenience?—Being carried through?

4325. Being carried through; not that every train should have a corresponding train, but that the trains should be made to work as conveniently as they can, for the general interests of the public?—Quite so; I quite approve of that; but I contend that it is so already.

4326. That may be so in your case, but we are speaking generally?—I am only answering evidence that I see has been given before this Committee, at which I was not present. I say, the inference to be drawn from this evidence is not just or fair towards the Manchester, Sheffield and Lincolnshire, and is not in accordance with the table I have drawn up. We have a very bad line to work, and it must necessarily take a much longer time for the 40 miles between Sheffield and Manchester than for a like distance on the London and North Western or the Great Northern. I find, the quickest train we have had from London to Manchester by the Great Northern is 6½ hours; by the London and North Western, 5½ hours; the slowest train on each line from 10½ hours; the average is 8¼ by the Great Northern, and 7¾ by the London and North Western; although we have fifteen miles further, and a very bad line to work. Then, with the down trains, I find the quickest, by way of Retford is 7½; the London and North Western is 5½; the slowest by Retford is 10, and by the London and North Western 11⅓; the average being 8¾ by way of Retford; 7⅝ by the London and North Western.

4327. Without referring exactly to your points of junction, either at Sheffield or Retford, you know quite enough of railways to be aware that in certain places where they are contending with each other, it would not be the object, at particular points of junction, to give facilities, but it might be rather to prevent the transfer of passengers from one line to the other?—I have no doubt there are such cases.

4328. Then if the railway system is generally revised, do you not think it will be desirable to make provision that the public should have, by means of a fair settlement,

settlement, some means of adjusting such things as these?—So far as the running of trains and the convenience of the public. Mr. *James Allport.*

I wish to allude to some papers which were put in by Mr. Loch, of the Bridgewater Trust, which would also, perhaps, in a greater degree lead the Committee astray. It is in the same Report, at page 29. It is stated that the Manchester, Sheffield and Lincolnshire are the owners of the Ashton Canal. It is stated that in 1849 the freight charged was 1*s.* per ton, whereas the freight now charged is 2*s.* 6*d.* per ton. It is quite true that, in 1849, 1*s.* per ton was charged, but that was some time after the Manchester, Sheffield and Lincolnshire became possessed of the canal; this reduction was owing to the competition then going on between the London and North Western and the Canal interest between Liverpool and Stockport, and the Manchester, Sheffield and Lincolnshire were parties to the reduction of rates. In 1841 the rates were reduced to 2*s.* 6*d.* per ton, and with the exception of that competition, which lasted from October 1849 to January 1850, about three months, the rate is precisely the same as it has been since 1841, eight years before the canal came into the possession of the Manchester, Sheffield and Lincolnshire Company. I wish to show that the amalgamation of that canal with the Manchester, Sheffield and Lincolnshire has not had the effect that any person reading the evidence referred to would suppose. Then, again, between Manchester and Ashton, it states here, that 1*s.* 11¾*d.* is charged for toll and labour, and only 2*s.* 6*d.* per ton for freight. The charge was reduced in 1841, and it has remained without any reduction or deviation at 1*s.* 11¾*d.*, from 1841 to the present time. 9 May 1853.

4329. Mr. *W. Patten.*] Do you say that the reduction on the Ashton Canal took place before it had anything to do with your railway?—Yes.

4330. It is a matter to prove to the Committee that that reduction would not have continued if it remained separate?—I have no doubt the toll would remain as it is now; in fact, it must remain so, because they reduced their rates in 1841, long before they applied to Parliament for the amalgamation. The Parliamentary tolls on the Ashton Canal are much less than they were before the amalgamation. Of course I cannot tell what the Ashton Canal Company would have done; they would have had the power to increase their charges very much indeed, but which power we do not now possess.

4331. Can you show any reason why the Ashton Canal should not raise their charges again?—I have no doubt they would have come into the general arrangement, which has been attempted several times, and is now, I believe, completed, that we should advance our rates very considerably between Liverpool, Ashton, Stockport, and several places, by canal and railway; and that the Ashton Canal Company would have participated in that advance I have no doubt of; but, as far as the Manchester, Sheffield and Lincolnshire is concerned, there has been no alteration of those rates since 1841, except for a short period above named, when the Railway Company, in conjunction with the Canal Company, reduced the through rate between Liverpool and Stockport.

4332. Mr. *E. Denison.*] With respect to the charges that have been made on the canals and railways, the evidence given here has been, that facilities have been given for the transport of goods by railway, and that impediments have been thrown in the way of the transfer of goods by canals, independently of the mere question of tolls?—That is not so; as far as the Manchester, Sheffield and Lincolnshire are concerned, we are the owners of four canals, the Ashton, the Peak Forest, the Macclesfield, and the Chesterfield Canals. I am not aware of any point ever having been raised; certainly, since I have been the manager of the Manchester, Sheffield and Lincolnshire, I have not received a single complaint from any carrier on the canals of excessive charge and want of facilities.

4333. Do you so work your traffic, that it is an object to you, to keep the traffic on canals, or is it your purpose to divert the traffic from the canals to the railways?—From Manchester to Ashton, of course, we have a canal and a railway, but I believe the great bulk of the traffic goes by canal; as far as we are interested in the Peak Forest and the Macclesfield Canal traffic, we have no railway communication. The canals are used principally for the carriage of lime, which is not affected by railway at all.

4334. Mr. *W. Patten.*] Can you undertake to state that the traffic on the Ashton Canal has not diminished since it was in connexion with your railway?—On the contrary, it has very much increased.

4335. At what period did it commence to increase?—It has been gradually

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increasing. When we first took possession of the canal, I believe the loss amounted to something like 5,000 *l.* or 6,000 *l.* a year; I forget the exact sum; but that loss is very considerably diminished. I have no doubt, in the course of another year or two, that there will be a gain instead of a loss upon the canal traffic.

4336. Has that increase arisen from the general nature of the trade, or from any peculiar circumstances?—It is probably owing to both; we offer no obstruction whatever to any canal traffic, as the canal is precisely the same now as it was ten years ago. Of course, part of the increase is due to the general increase of traffic through the country.

Robert Roy, Esq., *John Williams*, Esq., and *Edward Tench*, Esq., called in; and Examined.

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4337. *Chairman* (to Mr. *Roy*).] ARE you a director of the Shrewsbury and Chester Railway?—Yes; I am also a director of the Shrewsbury and Birmingham Railway Company, and of the Stour Valley Railway Company.

4338. It was stated to the Committee at the last meeting that the directors of the Shrewsbury and Chester Line considered their private interest as coal-owners to the prejudice of the public interest, and to the prejudice of the shareholders for whose interest they are trustees; that was stated in answer to Question 4030, which you may read before you give an answer to the question?—I have read that question and answer.

4339. What observation have you to make on that subject?—That it is totally untrue, and has been repeatedly disproved judicially, and likewise before a committee of shareholders, and is in itself absolutely untrue, and without the slightest foundation. I wish to explain with reference to the whole evidence of Mr. Biddulph, Mr. Girdwood, and Mr. Whalley, taken before this Committee on the 2d of May 1853, that I make, on the whole of it, the same general answer that I have already given to the particular question asked, that the evidence given by these gentlemen, two only of them having gone into details, the other having referred to them, is totally untrue and without foundation, and has been totally disproved. The leading charge throughout the whole evidence is, that a lower rate is charged for large quantities of coals than for small quantities, where the directors are the senders of those coals. Now from the first opening of the line until this day, no such differential rate has ever existed, or been practised upon this railway at all in any case.

4340. Mr. *W. Patten.*] It has been stated by one of the witnesses, that on your line of railway, parties are charged differently according to the quantity of coals which they are in the habit of sending along the line; for instance, if one party is in the habit of sending a greater quantity, but on a particular day sends twenty tons, and another party, who is in the habit of sending a smaller quantity, sends twenty tons, that the person who is in the habit of dealing largely with them is charged a less price than the one who has small dealings?—That also is totally untrue; not only has that not occurred in the particular case to which you refer, but in no case at any time to any party has a different rate been charged when a greater or less quantity is sent. It is the same rate, and the same charge per mile to all parties, whether sending one hundred thousand tons per annum, or sending one hundred tons.

4341. Are the same facilities afforded to all parties?—The same exactly. That is admitted in the evidence, that "the mode in which the line is worked, is, by the engine coming down picking up all the waggons that are ready loaded at the sidings and carrying them all forward." I have brought here the two traffic managers who have had charge of the line since its commencement, one of whom, Mr. Dudley Parsons, left us three years ago, and is now in charge of another company. I have brought the present traffic manager, Mr. John Nicholls, who is ready to show the whole rates from the opening of the line until now. In no case, and at no time, on no single occasion has it happened that a different rate has been charged for the coal, whether it is a large or small quantity. I beg to add, that similar charges were made before in a petition before a Committee of the House of Peers, and there was a full examination, and all the allegations were disproved.

4342. Mr. *Laffan.*] Have the company ever allowed any discount on bills which they send in for the carriage of coals?—Certainly not; I should have added

added that, because it is very usual; but I mean to say, that neither directly nor indirectly, by discount, longer credit, or by any way whatever, on any occasion, has a single case occurred of any such differential rate for coals on our line. It prevails on other lines, on the North Western line, and on many others, but on our line it so happens that it never has existed at all; I state so in the presence of the chairman of the company, Mr. John Williams, banker, Chester, who has been a director from the commencement, and of Mr. Tench, the land-agent of Sir Watkin Wynne, who by a particular clause in the Act is empowered to name a director, not removeable either by the directors or the shareholders, for the express purpose of watching the mineral interests. He has been present at the fixing of the rates, and knows the working of them; he was present, and was examined in the Committee before the Lords; he knows what I am stating as a fact, that neither directly nor indirectly, at any time, in any case since the railway opened, has the practice referred to, to my utter amazement in this evidence, at all existed upon our line. There are so many fabrications of the same kind, that it is difficult to pass them over without some notice, and I should like to refer to two or three of them that I have noted particularly, for the purpose of giving them a contradiction. It is stated that the North Wales line was disposed of to the directors; no transaction of the kind ever had existence; nothing that by imagination I can make out as leading to such a statement. The first Bill granted was to make a line from Chester to Wrexham, that was in 1844; and that line came within two miles of the colliery of which I am the landed proprietor, a small colliery of 500 acres; but next year, and I would wish attention called to this, the same company applied to extend the railway on to Ruabon, where the coalmasters are Sir Watkin Wynne and others, and there is a small colliery in which Mr. Whalley was at the time and is still a receiver appointed in Chancery for a mortgage, not, as he says, a proprietor. If it were true that the coalowners of the Wrexham district had had any disposition to secure a monopoly to themselves, is it to be credited as possible, that they would have extended the line onwards to those other collieries? The next fact I would mention is, that a new company was formed, the Shrewsbury, Oswestry and Chester, double the length and double the capital of the small North Wales line. Mr. Ormsby Gore was the chairman; Mr. Frederick West and Sir Richard Jenkins, men well known to be of the highest character, were members and directors of that company. They purchased the North Wales mineral line, and the united two have since been known as the Shrewsbury and Chester line, thereby showing that, instead of the directors of the North Wales Mineral Railway purchasing the line, and seeking to retain a control, the line was disposed of to a much larger company, with a totally neutral direction. I was secretary at that time, and one of the directors was a partner in the same colliery; he held in that colliery (having taken a few shares to encourage its progress) between 2,000 *l.* and 3,000 *l.*, and he held in shares in the railway company upwards of 40,000 *l.*, and nearly as much more for the members of his own family; therefore his interest was clearly with the railway, and not with that small colliery. It is stated that the effect of my being on the direction, although the only coal master who is so, has prevented capital being laid out in the district, and creates so much distrust, as to prevent capital being invested in the collieries. I have brought up here the lessee of the colliery adjoining that of which I am the proprietor, a larger colliery than mine, who has, since those charges were first promulgated, laid out his capital, and opened out his colliery, and is now at work. I refer to Mr. William Lowe, who is here present, and will corroborate every word I state. Moreover, when he came into the country he was in communication with Mr. Whalley, who made those charges to him. He investigated them, and satisfied himself of their incorrectness, and since then took his colliery and has laid out his capital. It is stated, and truly stated, that a petition was put into the hands of Lord Monteagle on this subject, in the year 1851; and hearing of its existence, the Parliamentary agent of the company wrote to Lord Monteagle, referring to the evidence that had been laid before the House of Peers. Lord Monteagle stated that he knew nothing about the petition; that it had been given to him to be presented against a Bill then alleged to be before the House of Lords, but on inquiry it turned out to refer to Mr. Ricardo's Bill, that never went to the House of Lords at all, but was thrown out in the House of Commons; and so the petition never was presented. Yet it is alleged, in the evidence now before you, that Lord Monteagle corroborated the whole of those fabrications to which the allegations of that petition and the

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evidence of those gentlemen allude. I should like to mention, also, that when these charges were made by Mr. Whalley, at a general meeting of the company, in February 1850, a motion was made by him to appoint a committee of investigation. It was negatived by a very large meeting.

4343. Mr. *W. Patten.*] Was that a meeting of shareholders?—Of shareholders; it was the general half-yearly meeting; but I myself and others pressed afterwards for a committee, and the mode of appointing it was this: the directors applied to large shareholders in London, in Liverpool, and in Manchester, to act in a committee of shareholders, and a great proportion of the capital being held in Scotland, the shareholders were requested to call a general meeting, and select their own representatives; they did so, totally irrespective of the directors. The majority were so elected by the shareholders; one other, the brother of the chairman of the South Eastern Railway Company, Mr. MacGregor, who had taken a part against the directors, applied to be appointed, and was appointed as one of their men by them. The chairman was the late Vice-Admiral Sir Charles Malcolm, and the unanimous opinion of the committee was (after having laid before them the evidence that occupied five days in the House of Lords, after examining Mr. Whalley, Mr. Girdwood, Mr. Biddulph's tenants, and after having addressed circulars to the whole of those coal owners on the line, to bring forward complaints), that there was no foundation for the charges. One other point I should like to mention: it is stated by Mr. Whalley that his petitions were always successful. In every case his petitions were refused; and he referred to a private agreement with himself and Mr. Biddulph, which I produce; it is the only document I am aware of; it is very short; he wished for a special reference; the directors agreed to go to arbitration or produce books. So far from granting any special favour, it is a matter that never was refused to anybody. Without detaining the Committee longer, I repeat my explicit denials of the other points of Mr. Whalley's and Mr. Girdwood's evidence; and I refer to the six gentlemen I have named above, who are present, and ready to corroborate my evidence, if the Committee require it.

4344. *Chairman.*] Do you tender your evidence to this Committee on behalf of the two Shrewsbury companies, for the purpose of illustrating generally the effect which may be produced on smaller companies by the amalgamation of larger companies?—Yes.

4345. Will you be so good as to express the views which you propose to lay before the Committee?—The advantages which companies already amalgamated enjoy from being amalgamated, are very great; so great, that unless a well-regulated amalgamation be carried further than it now is, it appears to me impossible for smaller companies, although forming a contiguous line to the same termini as an amalgamated company, to compete with them, or to obtain a moderate share of traffic. In the case of amalgamation the passengers are booked through, and carried through without change of carriages. There is no missing of trains, and none of the annoyances which so continually occur on a contiguous line, consisting of detached companies. These remarks apply, almost with greater force, with reference to goods trains, where transhipment is equivalent to a prohibition. I will give, as an illustration, the position in which the two Shrewsbury companies are at this moment. They are 72 miles long; with the Stour Valley, 14 miles long at one end, and the Birkenhead Railway, 15 miles long, at the other end. On one of these, at present, there is a positive refusal to book through, to send passengers through, or to carry on goods. On the other, the Birkenhead line, the same annoyances, if possible, to a greater extent, were for a length of time inflicted upon the Shrewsbury companies, in consequence of a private agreement for the purpose of obstruction entered into by that company with the London and North Western Company, which guaranteed the Birkenhead Company from all loss in consequence of these obstructions. I hold in my hand, in case the Committee should wish them to be given in evidence, copies of several such agreements made at successive periods by the North Western Company, which brought in the aid of the Shropshire Union Canals and Railways, to which they had acquired a right, as parties to those agreements, for the obstruction of our traffic. I wish to distinguish broadly between competition and obstruction. Of competition I make no complaint, and I confine my complaints to oppression, injustice, and the total obstruction of the traffic of the district through which our railway passes, to the one matter of obstruction to the traffic.

4346. *Chairman.*] What remedies do you wish to suggest to the Committee, as

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as calculated to protect the smaller companies against these evils?—It occurs to me, that if I might be allowed to mention what my complaints are, the remedies for them which occur to me would be better understood. I beg leave to give in, first, an original letter addressed to me by Captain Huish, which is the sole cause of the differences that have arisen, and the obstructions that have taken place. As it is very short, I should like to read it: "London and North Western Railway, General Manager's Office, Euston Station, 16th Oct. 1849. Dear sir,—It is stated by the Shrewsbury and Birmingham Company that you are about to join them in opposing us, at low rates, between Birkenhead and Wolverhampton, and thence by coach to Birmingham for passengers, and by canal for goods; will you tell me candidly whether this is the case. I trust not, and that your company and ours may avoid the competition which has brought so much loss on other parties. I need not say that if you should be unwise enough to encourage such a proceeding, it must result in a general fight both by our railway from Shrewsbury to Liverpool and by our Shropshire Canal, the only gainers being, of course, the public and the Shrewsbury and Birmingham Company. Let me hope, however, that there is no truth in the statements; or if there is, that you will re-consider your measures. Yours truly, *Mark Huish*. R. Roy, Esq., Shrewsbury and Chester Railway."

4347. Mr. *Laffan*.] Have you your reply here?—I have; it is dated the 18th October 1849, and is as follows; "I had the pleasure of receiving yesterday your letter of the preceding day; and I address you in reply to Liverpool, as requested in case you may be there. I shall willingly explain to you fully the views entertained by this company on the subject of your letter, either here, if you are at leisure to travel round by Chester, or at Liverpool, if you fix a meeting. If I am there to-morrow, as is not unlikely, I shall inquire for you at the offices in case you happen to have arrived. This company have always looked for a share of the through traffic on the opening of the lines to the south of Shrewsbury; the small difference in the length of the two lines making it a matter of course. It is a part, we think, of our legitimate traffic. It is intended to carry through passengers only, first, second, and third class, at reduced rates, with each of our regular trains; the extent of the reduction will depend on the arrangements of your company. For the present we look to 30 or 40 per cent., and you will be aware that as the addition of a few through carriages to our local trains occasions scarcely any expense, a much greater reduction would leave a handsome profit. As to goods, you will learn from Mr. Skey that you are misinformed, this company being prepared either to continue or give up the amicable arrangements with your Shropshire Union ally, which, since the first opening of the line, have been carried on. Indeed our explicit refusal to break off these arrangements with them was assigned by the Birkenhead Company as the leading reason for declining to accept a mileage proportion of the through traffic instead of their ordinary fares, a matter of too small amount on their short length to affect so large a question in one way or other, although it and other considerations may deprive them permanently of our goods traffic, and place it on the Shropshire Union Canal into Liverpool; or, according to circumstances, by the Dee and steamers, as the Runcorn trade is conducted. But although perfectly prepared to compete with you or them for whatever traffic we are entitled to, our directors are equally prepared to arrange the whole questions that may arise, or any part of them separately by itself, on proper and reasonable terms. I have thought it right to give you this explicit intimation of our views and position, and our disposition to arrange, in consequence of the terms of your letter, written, I have no doubt, in the hurry of business, in order that you may be perfectly aware that, if a 'general fight,' as you express it, arise, it is not of our seeking, nor from any unreasonable views on the part of this company. Yours very faithfully, *Robert Roy*." The first obstruction we met with after this was at Chester station, of which we are joint proprietors. As soon as the Birmingham line was opened, our booking tubes and tickets were thrown out of the booking office, and our clerk was dragged forcibly out of it. The omnibuses that were put on, in consequence of the passengers being refused to be carried on at a rate that we thought reasonable by the Birkenhead company, excluded from the station. Large barricades of wood and chains were fixed across the approach to the station. We were stopped by it, and we applied for an injunction, and we obtained it, first before Vice-Chancellor Knight Bruce, and afterwards before Lord Cottenham. I venture to hand in for your perusal the judgment of Lord Cottenham, which goes fully into the whole question. The

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first agreement which I put in is an agreement entered into between the North Western and the Birkenhead Company, for the purposes of obstruction. It is dated the 23d of April 1850, and is contained in a letter from Mr. James Bancroft, chairman of the Birkenhead Company, to Captain Huish, and is as follows: "I am in receipt of your favour of the 20th instant. Your statement as to the amount of guarantee to be given to the company is correct, but you have omitted one or two points, and, in order to avoid all misunderstanding, I consider it better to state my proposals more fully. That, in the event of the Shrewsbury and Chester and Shrewsbury and Birmingham Companies adopting measures against the Birkenhead, Lancashire, and Cheshire Junction Company, in consequence of the determination not to join in an opposition against the London and North Western Company, that the Birkenhead, Lancashire, and Cheshire Junction Company shall withdraw all facilities from the Shrewsbury and Chester and Shrewsbury and Birmingham Companies, excepting such as by law they can demand, and that the London and North Western Company shall guarantee the Birkenhead, Lancashire, and Cheshire Junction Company weekly receipts equal to the corresponding receipts of last year, and that the London and North Western Company shall not make any arrangement with the companies referred to without securing the interest of the Birkenhead, Lancashire, and Cheshire Junction Company in such arrangement."

4348. Mr. *W. Patten.*] Is that an absolute agreement, or a proposed agreement?—It is a letter written, rehearsing what had been arranged. That agreement was acted upon by a letter sent to us late on Saturday the 4th of May, refusing to continue booking through, forwarding our waggons for cattle, or interchanging carriages; and from that day the passengers had to turn out of the carriages at the Chester station, and rush away to be booked; our waggons sent down for cattle, according to the practice for several months before, were all sent back empty. The full fares, the highest fares that could be demanded, were offered to be paid provided the waggons were sent through to Wolverhamton, but were rejected, and then our waggons were returned empty, and fresh ones were sent down to the North Western, and the cattle forwarded by their line.

4349. Had the cattle to be changed?—Yes, every one, which ultimately stopped the trade entirely; we carried about 40 waggons per week, every Monday, and the trade was entirely stopped. Then, on the 11th of May there is a letter, which I beg to give in, from the manager of the Birkenhead Company, suggesting to Captain Huish, that company having in this way been guaranteed, the most effective modes of totally destroying our traffic. I shall give in the letter from Mr. Roberts to Captain Huish; it is dated 11th May 1850, and is as follows:—"I am informed that the Shrewsbury and Chester Company have engaged a steamer to work flats to and from Saltney, with of course the view of attacking our traffic. I would therefore suggest that an organised plan be at once formed to protect and retaliate, so that we may be ready for work in a few hours' notice; my plan is to work the Shrewsbury and Wellington traffic (goods) *viâ* Crewe, and the Shropshire Union line from Ruabon, Ellesmere, and Oswestry, and deliver to the canal by carts to the Shropshire Union Wharf, which is fitted up with crane, and distant from the Chester station about 700 yards, and which is in working order, for I satisfied myself on that point to-day by a personal inspection, and do not hesitate to say we could deliver there 20 tons of goods in two hours. The Wrexham traffic, which is their only town left, can with ease be worked by turnpike-road, and I assure you that the inhabitants thereof will render us all assistance possible, for there is a strong personal hatred towards the present managers of the Shrewsbury and Chester property. This plan comprehends all their goods traffic worthy of notice, and requires only three points of arrangement to be made to work efficiently; viz., a reserve of about 30 waggon sheets (North Westerns) at Chester. The Chester station to have several additional teams to deliver goods to the Shropshire Union Canal, and a party to carry goods between Chester and Wrexham. I will now conclude this hasty letter, by urging the importance of our being in a position to make a counter move the moment anything of a pressing character is manifested. I should remark, with regard to their coal traffic (which is a vital point), that we can charge them about 4*s.* per ton instead of 1*s.* 4*d.*, which would have the immediate effect of throwing them out of the market, and let in their dire competition of the Mold Line. Mr. Poole, Mr. Skey, and myself will, I think, have no difficulty in carrying out any of your views relative to the iron." That is a letter which was read

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read at the meeting between these parties, Captain Huish, Mr. Braithwaite Poole, manager of the North Western Company in Liverpool, and Mr. Roberts. On the 21st of May they entered into a minute detail of the whole system of attack, and at the end of it there is a clause, that any loss arising from these measures is to be borne by the London and North Western Company. I next give in the minutes, of which I have a copy. With reference to the remedies about which I have been asked, I may here repeat what the mischiefs are; which are very shortly put. "That in the event of the Shrewsbury and Chester Railway Company, or the Shrewsbury and Birmingham Company, making any hostile movement with reference to the traffic on the Birkenhead line, the most determined resistance be offered by the combined efforts of the following companies, viz., London and North Western, South Western and Birkenhead, Lancashire and Cheshire Junction Companies. That the said three companies be worked during the existence of such hostilities as one property. That all goods passing over the Birkenhead line to or from Wellington, Shrewsbury, and their immediate vicinity, to be worked *viâ* Crewe and the Shropshire Union Railway. That all goods to or from Wrexham be forwarded by waggons on the turnpike road between Chester and that place." Now the North Western have no line whatever in that direction; it is a mere local traffic of ours. That resolution was followed by their putting on a team of horses and a waggon, and working along the road for the space of several months. Coaches were put on likewise, for the whole of that distance, and paid for by them, the waggons bearing the name of the London and North Western Company. "That all goods to or from Ruabon, Oswestry, and their immediate vicinities, be worked by the Shropshire Union Canal between Chester and those places. That all goods referred to in resolutions 3, 4, 5, shall be conveyed at competing rates, to be hereafter determined upon, according to circumstances; and should any loss be sustained in working the said traffic, the same to be borne by the London and North Western. That the Shropshire Union Company's boats cease working pottery materials between Saltney and the Staffordshire Potteries, and be transferred to Rookery Bridge, to convey pottery traffic between that place and the Pottery districts, in behalf of the London and North Western and Birkenhead, Lancashire, and Cheshire Junction Companies. That Mr. Poole, Mr. Skey, and Mr. Roberts be empowered to give effect to the foregoing resolutions when required. That the tolls on coals on the Birkenhead line be raised. That the above proposals be submitted for approval by the Shropshire Union Company." At the end of six months the Birkenhead Company professed to change their tactics; they agreed to book through. They said they certainly had given up the former practices entirely; but I will put in two letters; the first is dated 25th January 1851, from Captain Huish to Mr. Roberts, and is as follows: "My dear sir,—Notwithstanding your promise, I find that the Shrewsbury goods are still coming into our hands at Manchester. A list of invoices, running from the 16th to the 21st instant, is before me. May I request your interference in this matter?" The other letter is dated the 29th January 1851 and is again from Captain Huish to Mr. Roberts, and is as follows: "My letter has crossed yours of the 28th, and will, I hope, satisfy you that what you complain of will not happen again. I saw Mr. Poole yesterday, and gave him distinct instructions, also a copy of the agreement. There are so many matters, however, requiring arrangements, in order to give due facility to your traffic, that I propose a meeting next week between Poole, you, and myself, when all points will, I hope, be arranged to your satisfaction. Recollect that we have much to complain of, for, notwithstanding the orders to the contrary, you have been permitting the Shrewsbury invoices to go down to Manchester, thus making us partners with them."

4350. *Chairman.*] Is the object of this evidence to show that on the part of the London and North Western Company, and those companies over which they have influence, that systematic measures were resorted to for the purpose of diverting the traffic from what you consider to have been its natural course over your lines, and causing it to flow upon lines connected with their system?—My evidence goes much further; it is not merely traffic which I say belongs to us, and which they claim, but it is traffic which they do not claim; it is the produce of the whole traffic of the district of central North Wales, where our railway passes through, which they obstruct, and prevent getting forward to its destination at all, but not traffic for which they compete till it reaches their line.

4351. Then what you attribute to them is this course of proceeding?—Obstructing

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structing our traffic, and appropriating it to themselves, because we thought a fair moderate rate for passengers suitable for the iron district of Staffordshire, and for passengers only. I would call the particular attention of the Committee to the fact, that our only dispute was the small difference as to a passenger-rate, yet, in in consequence of the London and North Western's connexion with canals, the whole goods traffic of the kingdom, conveyed either by railways or canals, is forced into the quarrel, making the value of canal property, and the forwarding of goods on canals, dependent comparatively upon this trumpery dispute about the amount of passenger fares between Birmingham and Liverpool.

4352. Mr. *W. Patten.*] Your object is to show that, if it had not been for these agreements by these railways, you would have been able to compete with any one singly, but if they are amalgamated, *à fortiori*, your difficulty would be still greater than it is now?—Certainly, that is one of the objects. The other object is to suggest, so far as an humble individual like myself may do so, what I think would be an effectual remedy for all such doings for time to come.

4353. Will you proceed to suggest that remedy?—I should merely add, before leaving that part of the case, that I offer to produce letters from Captain Huish, going through the whole detail of the obstructions, which, in such circumstances are given, refusing to agree on reasonable rates, forwarding waggons and so forth. I shall hand in several of these letters, and shall hand a list of them to Captain Huish in case he wishes to give in the answers. It appears to me that the great encouragement to accidents and mismanagement is, that there is no public officer representing each railway to whom the Railway Commissioners or the public can look. I would venture to suggest what I believe to be an effective remedy, that it should be compulsory on every railway to elect a general manager, responsible to the public and to the directors for due and reasonable attention to the management. That he should be held liable for whatever occurs, unless he shows that he has given due and reasonable attention, and taken the proper means for preventing any of those many causes from which accidents arise. I would also suggest that he should be bound to report half-yearly to his board, as to the state of the permanent way, the state of the locomotives, and the state of the carrying stock altogether, and that a copy of that report should be furnished by him to the Board of Trade at the same time, or whatever the board is, which this Committee may appoint. Secondly, and this occurs to me from having been long resident in Scotland, and familiar with the practice of the law of Scotland, that responsibility should be brought to bear more closely on railway companies and directors. I was in Scotland when some of the trials referred to in the evidence of the Lord Advocate of Scotland took place, and I know the feelings thoroughly of the people about them. I do say they are satisfactory and most efficient. In addition to that, I observe that by one of your Acts of Parliament there is a distinct reference to the employment of the Lord Advocate of Scotland as a public prosecutor, and likewise a reference to the Attorney-general of England, only that he is to be moved by the recommendation of the Railway Board. In addition to that, I would give to railway companies the most full and ample power of settling their own disputes by arbitration. But in case they do not settle, I trust there will be some public Board, with comprehensive and effective powers to remedy such grievances as I have pointed out, to settle all disputes between railway companies, and with a power of inflicting penalties for disregarding their instructions.

4354. The companies have the power to arbitrate now?—Yes; but it should be compulsory, sharp, and decisive; not a means left open of evading it; not taking 18 months before an inspector of locomotives will report whether an engine is good or bad, and not using a number of technicalities which are minute, vexatious, and useless in their operation. I would refer particularly to the Stour Valley Case. I venture to say that our company has lost some 200 *l.* or 300 *l.* a week in the ordinary traffic by the stoppage that has taken place there. It came down at once from 270 *l.* a week to 70 *l.* entirely by that stoppage of the line. I would venture to point out that the common procedure before the ordinary law tribunals is entirely inapplicable to corporations with incomes amounting to 50,000 *l.* a week. They are not influenced, like private parties vindicating private rights of property, by considerations either of delay or expense. Another thing I would suggest is, that it should be made compulsory on all railway companies to become parties in the clearing house. It should see that the accounts are all regularly kept, for I am satisfied that if railway companies only kept their accounts in the clearing

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clearing house, according to the clearing house system, and if railway companies were made by a Railway Board to reciprocate the usual facilities required for conducting traffic, there would be an end of nine-tenths of the difficulties at present existing.

4355. Mr. *W. Patten.*] Are there any means, by which a company who wishes to go to the clearing-house can be excluded?—There is a power of excluding them by a certain number of votes.

4356. Has that ever been put in practice?—I am not aware that it has; it ought to be compulsory on all parties to adjust their accounts in the clearing house; I have no objection to that; I think it would be a vast benefit. With regard to running clauses, I beg leave to remind the Committee that the evidence they have had against running powers has been chiefly from large companies whose interests are against them. In the joint station at Chester, with about 124 daily trains, no accident has occurred, and in the joint station at Shrewsbury, with upwards daily of 44 trains, no accident has occurred.

4357. Mr. *Laffan.*] Are not those cases of running powers not under one management, the servant of one company working trains over the line of a rival company?—A body formed of the directors of the several companies from the whole management; where there are running powers, if proper regulations are attended to, how is it possible to make out a case of danger running over a short line? I am no advocate for indiscriminate extensive running powers, but how is it possible to make out a case of danger with running powers so limited and so exercised as those from the Birkenhead Company? That has been done on the Shrewsbury and Birmingham, between Shrewsbury and Wolverhampton, and no danger whatever has arisen, or is likely to arise; but at the same time, if a power was given to the Board of Trade to compel all companies to book through without any change of carriage, and at fixed rates, there might be less occasion for exercising running powers.

4358. Have any other parties ever obtained running powers over the lines of which you are a director?—No, I am only a director in those companies I have named; and I had occasion, when we applied for running powers, to make out a list of lines on which running powers had been granted, and I believe that I had 46 put into my hands.

4359. You have had no experience of the practical working of running powers, except on the lines of which you are a director?—Certainly not.

John Swift, Esq., called in; and Examined.

John Swift, Esq.

4360. *Chairman.*] DO you wish to add something to your evidence which you gave on the last day of meeting?—I stated the other day, that the Shrewsbury companies had offered to withdraw from competition with the London and North Western on payment of 250 *l.* per week. Mr. Knox said he had never heard of that. I then said I would produce, not having any personal knowledge of it, the evidence on which I made that statement. I now hold in my hands the reports of two different meetings of Mr. Roy's Shrewsbury Company, at which Mr. Knox was present, the two companies acting together by a joint committee. In Mr. Roy's remarks at the first of these meetings occur these passages, which I will read. He was stating to his shareholders that they, the Shrewsbury and Chester, had not provoked the quarrel; and he said, "They did not think that invalid ladies and children would travel across the Mersey unless they got some more benefit than paying the same fare. The directors had been accused of wantonly provoking the opposition; they never proposed to change the rates; the rates were below what the market required for the encouragement of trade; they never proposed to go lower; they offered to make them equal for goods, leaving passengers open, but it was refused. They could never hope to carry the same amount of traffic when they had a ferry at the end of their line; that was the difference between them; they asked only for a couple of shillings for the payment of that ferry. They actually offered, for a guarantee of 250*l.*, to abandon a chance which they had proved would realize 700*l.* per week; they offered twice to refer to it to arbitration, and it was declined. What gentleman would tell him that the directors first opened the dispute, when they offered so far to abandon their opportunities if they were guaranteed an amount by which they could just meet their honest debts."—(Mr. *Roy*). That report is incorrect, so far as the 250*l.* is concerned.—(Mr. *Swift.*) That was at the meeting in May 1852. The next extract which I give is from a corrected report (sent out by

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by the directors themselves to the shareholders) of a meeting in September 1852: "Mr. Roy inquired how it was that this company originally came into collision with the London and North Western? He said, with a through traffic of only 200*l.* a week, they went in December 1850 to the large company, and begged for an arrangement. They refused to give them any proportion whatever of the through traffic, or guarantee at all; nothing, in fact, but equal rates, fixed by the London and North Western Company, and competition between Birmingham and London, and thus go on to all eternity. They represented to the London and North Western the advantages of their position, and urged most earnestly for a modification of the terms. But all was refused; they would not give them even 2 per cent. for the line." Those are the grounds on which I made my statement the other day. (Mr. *Roy*.) We never made that statement. (Mr. *Swift*.) The extracts I have given are from Mr. Roy's own speeches, made to his shareholders. (Mr. *Roy*.) I make no objection to your reading an extract from my speech (although the report is incorrect); I only object to your inference from it. We could not agree to give up 250*l.* a week, which we were then getting. No such offer was made by me, and no such offer was made by the Shrewsbury Companies at any time whatever; it is simply a reason assigned for not agreeing to equal rates and fares. If we had made that offer, it might or might not have been accepted. We have never said so, nor was there any person who could have said so.

Veneris, 13° *die Maii*, 1853.

MEMBERS PRESENT.

Mr. E. Denison.	Mr. Laffan.
Mr. W. Patten.	Mr. Strutt.
Mr. Cardwell.	

THE RIGHT HON. EDWARD CARDWELL, IN THE CHAIR.

James MacGregor, Esq., a Member of The House; further Examined.

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4361. *Chairman.*] IS there anything that you wish to add to the evidence that you gave on a former day?—I wish to explain that I have considered, since, the subject of the constitution of a Government Board for the purpose of considering the question of railway management, and the extension of the railway system generally; and I am of opinion, that the sort of tribunal which would be most satisfactory would be a Committee of the House of Commons, to whom all Railway Bills should be referred. And if the Board of Trade were to consider and report upon the merits of all schemes submitted to Parliament, and if schemes were deposited with that Board for a sufficient length of time before they were presented to Parliament, and their reports were to embrace the general question of railway extension and railway management, looking at the railways as one great system, that would be of great advantage to Parliament, and would, from the moral influence it would have with the country and railway proprietors, tend, in my view, very much to promote measures to consolidate the railway interest, and satisfy its just expectations.

4362. Uniformity of decision by Parliament, and uniformity of rule, as to the working management of railways, would tend to give solidity to railway property?—That is exactly my view. If it were known and understood that the decisions of Parliament would be upon general principles, it would tend much to satisfy the minds of parties interested in these great properties. I have no doubt that you have had sufficient evidence on that question. Inquiries were made of me as to my opinion of running powers, and I wish to add, that I have considered that question further, and the more I think about it, the more unwilling I should be to grant those powers.

4363. Complaints have been made to the Committee, and also to the Board

of

of Trade, in regard to the railway of which you are chairman, as to the want of a sufficiently free communication between you and the South Western, at places where you cross one another; taking rather as an illustration of a general principle, than upon the particular circumstances of those railways at this moment, would it, in your opinion, be right, if running powers were discountenanced by Parliament, that there should be a more summary power than there now is, for providing for transit from one line of railway to another, and, if necessary, for requiring stations and facilities of junction at places where the lines intersect?—I should concur in that; I should concur in any arrangement which would ensure to the public the greatest amount of facility.

4364. So that if a line of railway, which were already made, would be injured in its mileage by a free junction with a new line which has since been made or hereafter to be made, you would not object to such a question as that being referred to an arbitration, or to a tribunal with summary powers?—Certainly not; if a general view of the subject be taken, and a general settlement made, I think that railway property is now so essential to the public convenience, and is of such paramount importance to the public, that the interests of railways should give way under a just appreciation of such circumstances, because if justice be done to the railway interest as a whole, in minor details sacrifices would of course be made; but I cannot lose sight of the fact, that if the power you propose were exercised to the extent to which it might be carried, and no other concession granted as an equivalent, it might amount to the transfer of a large interest in particular railways, either to the public or to the constructors of a new line of railway.

4365. But still, not forgetting a just reference to the interests of the shareholders in the longer line, you would acknowledge that the main principle would be facility and convenience of transit for the travelling public?—Decidedly; I am quite ready to admit that in all views of railway property, much as I think its interests have been sacrificed, still the public interest is a paramount question; and I hope, under your guidance and consideration of the question, and that of this Committee, a mode of dealing may be found for Parliament which shall at once and equally respect the rights of railway proprietors, and that service of the public which, of course, was the object in constructing railways, next to the profit to be derived from them.

4366. Are there any further observations, on any other part of the subject, which you wish to add?—Concurring in the views which your questions imply, I would venture to add, that a general unity of management for the interchange of traffic is the great object to be accomplished, and similarity of gauge throughout the country appears to me to be indispensable, in order to develope all the advantages which the country should derive from the railway system, both in peace and war. If that view be accepted, then I think it would be a just mode of dealing with the question, since the broad gauge now constitutes far the smaller section of the railways of the country; and since it is practicable at once to convert the broad guage into the narrow, but not the narrow into the broad, that the broad guage should be reduced to the narrow, and that the cost of the change should be assessed generally on the railway interest of the country, in a proportion on all districts. I conceive that to constitute one general gauge would be of advantage to the country, and to the whole railway system.

4367. Would it not be difficult to assess fairly, supposing that idea were at all adopted by Parliament, on the near and remote companies, their proportion of cost; take, for instance, the Aberdeen Railway, on the one side, and the South Eastern on the other; the South Eastern touches the broad gauge at Reading, and might have a much greater interest in that change than the Aberdeen, whose communications with it are so remote?—I admit that; but that is a question that might be disposed of, if not quite so rapidly as the arbitration which Mr. Gladstone undertook between two companies, yet on a principle not different from the one he adopted. I think, if I understand the principles of Mr. Gladstone's decision in that case, that they might be applied in this; and I quite admit that the companies which reap the greatest advantage should bear the largest share of the charge of such a conversion, but I think the benefit would be universal. There is another point, with regard to railway property, which I think worthy of your attention, although it involves a separate consideration; and that is, with regard to stamps. The transfer of railway property now takes place upon a stamp charged at ½ per cent. on the amount of the transaction, which is obviously too

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high, as the result is, that the transfers, after being executed by the seller, pass through a great number of hands before they reach the ultimate buyer, who registers the transaction. Now I cannot but believe that if the stamp were reduced (in fact stamps on transfers generally, but on this occasion I confine myself to the railway interest), if the stamp were made not more than one-fourth of what it is now, I think the revenue received would be as large, and then the law would, in that case, be strictly fulfilled. I venture to say, also, in the administrative working of railways, I think, if greater powers were conferred on the Board of Trade than they hitherto have had, with regard to junctions at stations, and so on, that both the public and the railway interest would ultimately be benefited.

4368. An exercise of power, of course, implies that the person over whom it is exercised should be obliged to submit, even where his own opinion is adverse to that of the authority; do you think that the railway management, generally, would acquiesce in the exercise of such a central authority?—That is my view. I should only ask, in giving my assent to such a proposition, that the parties having differences should be openly heard, and that the court should be an open one, so that that the parties should state their differences in the face of their rivals, and of the gentlemen to whom the questions were referred. I think if the court were an open one, it would tend very much to remove all hesitation to a cordial assent to the determination that might be arrived at.

4369. Then probably an arbitration under the direction of the Board of Trade might be more satisfactory than an application to the Board itself?—I consider that a Board, presided over by a responsible officer of the Crown, who gives a public account of all his transactions, when called on to do so, is a more satisfactory tribunal than a reference to an arbitrator who does not occupy so high a position. I prefer rather that the Board of Trade should themselves exercise those functions.

4370. That they should sit, as it were, in a public court, for the adjustment of disputed questions of railway management?—That is my view. To what extent the publicity should be carried might be decided on consideration; but I think parties meeting face to face, and stating their grievances, and having a verdict given, after due investigation, would tend much to remove those feelings of irritation which rival interests naturally create, if rival interests are to be allowed to exist. I should be very glad to find there were no such interests remaining in the railway system, and that it were wholly consolidated. I might say a few words more about the great advantage I think it would be to Parliament, if plans for railway extension were deposited for a longer period with the Board of Trade before they were introduced into Parliament, so as to allow of a full and complete inquiry on general principles, as well as engineering ones, into the advantage of the proposed extensions.

4371. That seems to be following up the former suggestion, that a more comprehensive view taken by Parliament of the measures submitted for legislative sanction would be likely to secure better results to the public, and give solidity to the property?—That is my view. I think a consideration given by one body of the Members of the House, appointed for the purpose of considering all questions of railway extension, would calm those feelings of doubt which now exist as to future arrangements.

4372. The probability is, that the companies themselves would be more considerate of the public interests in the promotion of schemes if the uncertainty which now hangs over railway legislation no longer existed to prompt them to make offensive and defensive schemes as against other companies?—Quite so; there being greater certainty as to the probable views that would be adopted by Parliament, I think the public would adapt themselves to those views, always keeping in mind that no sentiments were entertained adverse to the fullest amount of extension which the public interest required.

4373. In short, uncertainty on the part of the Legislature is the parent of conflict on the part of the companies?—I think that may be adopted almost as an axiom; I do not consider that the spending of a considerable amount of additional capital beyond the 300 millions already embarked in railway construction, would lessen the value of what has been spent already, if it were generally understood that the further expenditure was to take place upon recognised principles, and without conflict.

4374. On the contrary, the new sources of traffic flowing to a certain extent into the established lines would be expected to add to their revenue?—Exactly so;

so; and people would then look forward with great confidence to the benefit which they might fairly anticipate from the increase of population and commerce of the country, and the certain increase of population in the neighbourhood of railway stations, which seem likely to create new towns in their vicinities.

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Mr. *Seymour Clarke*, called in; and further Examined.

Mr. *Seymour Clarke.*

4375. *Chairman.*] DO you wish to give any explanation with respect to the evidence of Mr. James Allport?—Yes, beginning with Question 4231, and extending to Question 4244. It is with respect to the use that is made by other Companies of the foreign lines that we work over. I should state, that on the line from Burton Salmon to York, which is part of the York and North Midland Line, the whole of the Midland traffic to and from York, and the York and North Midland traffic to and from the North, passing by way of Normanton, for the whole of the Midland Counties of England, and Manchester also, along the Lancashire and Yorkshire Line by way of Normanton, the whole of the Hull traffic between York and Hull, most of the traffic below Manchester and Hull, and the coke which supplies almost all the railways of England, which is burnt in the neighbourhood of Darlington,—all those trains pass hourly over part of the York and North Midland Line that we work over. Then from Knottingley to Wakefield, which is stated to be so exclusively worked by the Great Northern Company, that it does not exemplify the question of the running clauses, I say that it is the main line of the Lancashire and Yorkshire, which finishes at Goole, a port, and which is being very much developed by the Lancashire and Yorkshire Company. Then, with respect to the South Yorkshire Railway, there is the whole of the coal traffic of the Great Northern Company, the Midland trains, which work between Sheffield and Doncaster, both for goods and passengers; and the passenger-trains between Doncaster and Barnsley, which are worked for the South Yorkshire Company by the Great Northern Company's engines, but under the control of the other company. Then between Methley and Leeds, which is another portion we work over, and which is among the most complicated parts of the whole of the railways of England, Leeds being the extreme Northern point of the Midland Line, there is all the Midland traffic to and from Leeds, and the traffic of the Midland Company, who work the Little North Western, as it is called, which goes along the Colne Valley to Settle; and thence to Lancaster and to the North of England; and the Leeds and Thirsk Railway Company's trains work also over a portion of this line. Then between Retford and Sheffield, which is the main line of the Manchester, Sheffield and Lincolnshire Railway, both to Hull and Lincoln, of which Mr. Allport is the manager, I say the whole of the traffic of that company, as well as the traffic of the Great Northern, passes in goods, cattle, and passengers, and every description of traffic. The main line of the Manchester, Sheffield and Lincolnshire includes Grimsby, where a large dock has lately been constructed.

4376. You have stated now the detail over the whole of this mileage?—Yes.

4377. State shortly the summary which you propose to draw from that detail for the information of the Committee?—I propose to show from that, that the information Mr. Allport gave to the Committee is not borne out by the facts. He wants to show, that of the 126 miles of other or foreign railways which they really do use, the greater portion is used exclusively by the Great Northern, and that the fact of the Great Northern working over these lines is no criterion as to the safety or non-safety of running clauses. I say it is. I must now ask you to refer to Question 4245, in answer to which Mr. Allport states he has a difficulty in working his line, in consequence of the servants of our company not being supplied with their rules. He states, "I wrote to Mr. Clarke, and sent a great number from time to time. I sent others, and repeatedly reiterated by letter the necessity of these men having our rules; but I find within the last fortnight that there is a very large number of their men who have never had the rules." In reply to that, I have to state that there are only three men who ever work over that line, and they have the rules. I would also state that the rules of the Manchester, Sheffield and Lincolnshire Company are embodied, as far as the signals go, in the rules of the Great Northern Company. Then with regard to accidents, at Question 4251, Mr. Monckton Milnes asked this question: "State any case which you think illustrates the evil effects of these running powers; has there occurred any accident between Sheffield and Retford?" I have here the report of the officer of the Board of Trade to the Great Northern Company on the accident which is alluded to by Mr. Allport. I shall refer to it very shortly. I am reading from the original document which was sent to the Great Northern Company.

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pany. The officer of the Board of Trade states, "It is evident that this accident was brought about mainly by the carelessness and disobedience of all orders and instructions on the part of the driver of the Manchester, Sheffield and Lincolnshire goods train. That train ran 1,140 yards beyond the point at which the semaphore signal set to danger became distinctly visible, and 490 yards beyond the signal itself at which the driver was bound by his instructions to stop." Then, again, "The officers of the Manchester, Sheffield and Lincolnshire Railway have represented to me that the guard to the Great Northern train neglected his duty in not going back to protect his train when brought to a stand upon the main line. After a full consideration of the subject, I am of opinion that the guard was in no way to blame; his train was already protected by a semaphore signal set to danger, which could be seen at a distance of 1,140 yards from his last carriage." There is another point on the same question referring to a very serious accident in a tunnel. Now, with regard to that tunnel, it was the subject of a very minute investigation between Mr. Allport, Mr. Sturrock, the locomotive engineer of the Great Northern, Mr. Peacock, the locomotive manager of the Manchester, Sheffield and Lincolnshire Company, and myself. We went into a very great detail of evidence, and the result was, that a heavy coal train of the Great Northern Company, having to pass up the tunnel on this side of Retford, lost speed in the tunnel, and in consequence of no signal being given to the following train, which was the Manchester, Sheffield and Lincoln train, one train ran into the other; and this is a memorandum made at the time. I find that the conclusion of the inquiry was, "We say that the train of the Manchester, Sheffield and Lincolnshire Company ran into our train for want of proper care being taken by the Manchester, Sheffield, and Lincolnshire Company signalling the following train. Mr. Allport undertook to put a signal-man at the entrance of the tunnel to signal trains. This has not been done. The evidence was taken fully by me. But after all was in writing, Mr. Allport remarked that he did not believe the statements of our people."

4378. Is that document signed by the representatives of the other company as well as yours?—No, I am giving my own evidence. There was no agreement to that effect. Mr. Sturrock was present, who will give you a confirmation of what I have now stated, if you think proper. Then, with regard to the accident at Kiveton-park, which is mentioned in question 4254, that is the one upon which I have read the Report of the officer of the Board of Trade. Then there is a series of questions and answers, beginning at 4257, extending down to 4264, relative to some inquiries that were made before the Coroner of the neighbourhood, in consequence of a workman having been killed at one of the stations that was being built on this branch that we traversed, and which is brought here as an illustration of the danger of running clauses. I need only say, that Mr. Allport states he was not at the inquest, and in both cases there was a verdict of accidental death, without any blame attaching to the directors of the Great Northern Company. Then I go to question 4265, which is also an illustration of the danger of running clauses. The question is, "You have no hesitation in stating that in these cases the trains passed without sounding the whistle?" I say they did sound the whistle. In the course of the answer to that question, Mr. Allport says, "I observe in Mr. Clarke's evidence that he states, that notice is given when a special train is intended to run either over their own line, or over another. In less than three days after that evidence was given, I had a report from one of our station-masters of a special train being run from Retford to Lincoln without the slightest notice. I think Mr. Clarke himself was in the train; in fact, he was the only person in the train." Now, this is simply brought before you as evidence of the danger of running clauses; therefore, sorry as I am to detain the Committee by referring to such minor details, still I must do so. I had to visit all the stations on our line, and it was convenient that I should go from Doncaster on a pilot-engine. I was with it myself, with one or two of our own officers, and our own engineer and fireman. I asked permission to go along the line with my own engine, which was granted. That is all I have to say to that transaction. Then there is a question about the facilities given to the public for stopping at the intermediate stations between Retford and Sheffield; it is hardly worth while to trouble you with that. I must, however, ask your forbearance for a few minutes with respect to the facilities given to this company for the trade of Manchester. It is question 4313. Mr. Allport, in answer to that question, comments on the evidence given by Mr. Denison, the chairman of the Great Northern Company, more particularly "that great stress is laid upon the obstructions thrown in the way of the public at junctions by these arrangements."

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arrangements." Then there is a statement of the distance from Manchester to Liverpool by the two routes. Mr. Allport says, "I think it would be a very gross act of injustice, as Mr. Denison and Mr. Clarke would lay down here, to compel railway companies to run trains to meet any other trains which chose to be put on at these junctions." He goes on to say, in answer to question 4314, "No, I do not mean to say that; I say that the traffic which the Great Northern brings from their own line, we give it every facility which it has a right to expect." Now this is a public question. The facilities that are given to us at Manchester are simply these, that we are refused permission to book passengers to or from London or Manchester; we are refused permission to invoice goods to or from London or Manchester; and the full rate that the Act of Parliament entitles the Manchester, Sheffield and Lincolnshire Company to charge as against their passengers, is, by an arrangement with the North Western Company, enforced against us. It is true that the public are convenienced by an interchange of traffic being granted with places north of an imaginary line, which is drawn on the latitude of Huntingdon, and which in the London and North Western agreements with other companies is the point where we are shut out of places which can be reached by the other companies; but south of those lines, such as Newark, Grantham Stamford and Peterborough, and the whole of the eastern counties, and all places south of Huntingdon, including London, we, the Great Northern Company, are refused through rates, or any other concessions, by arrangement made by the North Western Company with the Manchester, Sheffield and Lincolnshire Company. Therefore, although for traffic north of Huntingdon facility is given, a complete impediment is placed on all traffic between London, &c. and Manchester. The last statement I will trouble you with is of so recent a date, that I can personally give you some facts upon it. It is stated that there has been an accident within these last three days at Grimsby, where it is stated that our engine-men are so regardless of the instructions given to them, that it is unsafe that running clauses should be given to railway companies. I have been to Grimsby, and if you care to be troubled with it, I can give in a report.

4379. What question are you now referring to?—4281. "I mentioned one that occurred within the last few days of a Great Northern engine, at Grimsby; they use a portion of our line a short distance, probably not more than a quarter of a mile; they have been in the habit, for a few days, without the knowledge of the station-master, of running their engine on the wrong line for the purpose of turning. The station-master gave positive orders that that should not be allowed; the signal-man had orders to stop the train, and the man drove past totally disregarding the order. There are numerous other instances very similar." Now, here is a plan of the spot where this occurrence took place. At the goods warehouse, at Grimsby, the Great Northern line finishes. To the east there is a curved line, which runs from the passenger station at Grimsby to the new Docks, and for want of a junction between the Great Northern line and the Manchester, Sheffield and Lincolnshire line, the engines of the Great Northern Company have to run round the two sides of a triangle in order to get from the passenger station to the goods station. For the sake of convenience, for many months past the engines of the Great Northern Company have been in the habit of crossing from one line to the other, for the purpose of running round the curve to get to the turn table, where the engines turn; and for about 20 yards, within the immediate sight of the signal-man, and up to a few days ago, with his sanction and cognizance, this has been done; and my only reason for mentioning it is, that it is now brought as a reason against running powers generally. "There are numerous cases where the Great Northern trains run contrary to the signals." I can only suppose that to apply to the signal of danger, which is constantly kept at danger, with no man to attend it, at New Holland. It is the practice now, and has been for many months past, for the mail train of the Great Northern, in its nightly progress to New Holland, to run past this danger signal, because it is set to danger, and no man placed to put it right, to allow the train to go by. I merely mention that as the only answer I can conceive to the statement that our trains are habitually running past danger signals.

4380. Have you the letter in which you sent your instructions?—These are the instructions given by Mr. Sturrock to his drivers at work in that district: "The Great Northern Railway. Locomotive Department, Boston. Engineers' Office, June 10th, 1851. Dear sir,—I send you herewith two books of rules of the Manchester, Sheffield and Lincolnshire Railway Company, with one of which

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all your drivers who run over that company's line are to be provided. If the number sent is not sufficient for that purpose, please let me know, as soon as possible, how many more are required. Yours truly, *pro A. Sturrock, James C. Grinling.*"

Mr. *James Allport*, called in; and further Examined.

Mr. *J. Allport.*

4381. *Chairman.*] DO you wish to say anything in answer to the statement of Mr. Seymour Clarke?—In answer to what Mr. Clarke has stated, as to running over lines where there is considerable traffic, I think my answer is to that effect. In answer to question 4244, which was, "There are other trains, surely, from York, passing Burton Salmon?" I stated, "Quite so; the three portions of the line over which the Great Northern work." As for the large traffic which Mr. Clarke represents as existing upon our main line from Sheffield to Retford, I am sorry to say the traffic is not very large.

4382. Do you in substance differ with Mr. Clarke, or not?—I do. I say that the traffic between Sheffield and Retford, is very light, compared with most main lines; still the running powers over that portion of the line have been productive of great injury, and many accidents, although the Great Northern run but three passenger trains one way, and four the other. Mr. Clarke states he has only three men working over the line; I instructed our superintendent to ascertain the facts, and this is his Report:—"Manchester, Sheffield and Lincolnshire Railway. Superintendent's Office, Manchester, 3d April, 1853. Dear sir,—The following Great Northern servants have been questioned respecting their possession of a copy of the Company's regulations, in consequence of their working trains over this company's line. H. Skinner, driver; T. Dowse fireman; F. Bushy, guard. Goods engine, 311, J. Smedley, driver; R. Brackenbury, fireman; J. Nelthorpe, guard. Goods engine, 150, W. Lovidge, driver; J. Emery, fireman; J. Smith, guard. Coal engine, 158, J. Drewett, driver; J. Snauley, fireman; J. Munley, guard. Coal engine, 142, Mitchell, Clark, Allen and Walford, passenger-train guards. All the above are without a copy of this Company's regulations. 'Bradley' and 'Morse,' passenger-train guards *alone*, out of all the men questioned at Retford, have copies of our regulations. None of the following Great Northern servants engaged in working trains from and to the Gainsborough station, and to the junction with the Great Northern Lincoln Branch, have been furnished with this company's regulations; J. Challoner, driver; G. Hooper, fireman; J. Kennedy, driver; H. Woodcock, driver; Peter Fisher, fireman; John Russell, booking-clerk; John Spreckley, guard; ——— Simpson, guard. There are others working between Grimsby and New Holland, whose names shall be handed to you to-morrow. Yours truly, *T. Hargreaves.*" There are 16 names, and all the above are without a copy of this company's regulations.

Mr. *S. Clarke.* Are those engine-men?

Mr. *Allport.* Enginemen, firemen, and guards. Here is another letter, dated the 6th of March 1853: "Dear sir,—The following Great Northern servants, working between Grimsby and Hull, have been questioned respecting their possession of copies of this company's regulations: Guards Morris, Fucher, and Webb have each a copy; Gill and Hodson have not been supplied with copies. Yours truly, *T. Hargreaves.*"—With respect to the accident referred to by Mr. Clarke, I acknowledged, in my evidence, that our servants were not blameless in that matter. I think Captain Laffan goes on to say in this report that Mr. Clarke has produced, "With respect to these excursion trains, the general manager of the Manchester, Sheffield and Lincolnshire Railway informs me that the Great Northern Company run them without the least notice to him, and without even sending him a time-bill; and that sometimes his people only become aware of the intention of the Great Northern Company in that respect, by seeing advertisements posted up to the public at Sheffield. The station-master at Kiveton-park also informs me, that when the Great Northern Company first began, about a fortnight before the accident, to run an afternoon excursion train over the Manchester, Sheffield and Lincolnshire line from Retford to Sheffield, he (the station-master) had no notice whatever of their intention, and that it was only from seeing it pass on several successive days that he concluded that it was to be a regular train, and that on his asking the guard one day whether he was right

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in supposing so, the guard replied that he might be, for anything he knew." In answer to that part about the accident in the tunnel, instead of arranging to put a signal-man at the end of the tunnel, I most unequivocally declined to do so. I stated that the tunnel was so short, and the traffic so light upon the line, that there was no necessity for a signal-man at such a tunnel. As regards the Great Northern running over our line, or rather Mr. Clarke running over our line with a special train, here is a report that I have received of it: "Retford, 18th April 1853.—Seymour Clarke, Esq., passed us for Lincoln, on Saturday, at 1. 9 P. M., in a special carriage. Yours truly, *H. Carr.*"—I would also observe, that no station-clerk has authority to give permission to another company to run a special train over the line; that authority must be given from the head office, in Manchester.

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4383. In the evidence which you gave the other day, did you mean to exhibit the widest possible difference between yourself and Mr. Clarke as to the operation of the running powers of the Great Northern over the Manchester, Sheffield and Lincolnshire?—Quite so.

4384. Did you intend to go beyond that expression of difference of opinion?—I only stated the result of the Great Northern Company's running powers over our line.

4385. Is not the upshot of all this evidence, that Mr. Clarke, speaking of the operation of running powers granted to the Great Northern, over the Manchester, Sheffield and Lincolnshire, thinks they are consistent with safety, and you think exactly the reverse?—The facts I adduce prove so.

4386. Are there any facts between you, upon which there is a direct dispute?—I entertain a very strong opinion of the impropriety of granting running powers; and on that point, I offer to put in a great number of letters which have been written from time to time, showing the danger of the disregard of the rules by the servants of other companies. A statement of accidents and irregularities I will put in.

4387. *Chairman.*] The Manchester, Sheffield, and Lincolnshire, as represented by you, consider running powers highly dangerous; the Great Northern, represented by Mr. Clarke, think just the reverse; and you appeal to a certain number of facts, and entertain a different opinion with regard to the effect of them; are there any facts that you state one way, and he states the other way?—As regards the rules not being in the possession of the Great Northern servants, I submit it is a very important one bearing on this question.

Mr. *Clarke.*] There is one other fact with regard to placing the signal at the south end of the Retford Tunnel; I have stated distinctly that Mr. Allport said one should be placed, but Mr. Allport has forgotten it.

Mr. *Allport.*] I distinctly deny ever having undertaken to do so.

Rowland Hill, Esq., called in; and Examined.

4388. *Chairman.*] I NEED not ask you if you are Secretary to the Postmaster-general?—I am.

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4389. Will you state, on the part of the Post-office, whether the present state of things with respect to railways is satisfactory?—It is very far, indeed, from being satisfactory.

4390. In what respect is it unsatisfactory?—I consider that the powers enjoyed by the Postmaster-general are uncertain in some instances, and I think they are insufficient; as an instance of the uncertainty of his powers, I would mention that the right of the Postmaster-general to send a guard as a passenger by any railway, directing the guard to exchange bags at places between the two terminal stations, is disputed. It has been successfully disputed in Ireland. In Scotland, where one of the companies disputed the right of the Post-office, the right was confirmed.

4391. Then, as regards the law of Scotland, that is established?—The law is the same everywhere; but the interpretation of the law in Ireland was in one direction, and in Scotland in the opposite direction. I would mention, also, that the right of the Postmaster-general to require a speed exceeding, under certain circumstances, 27 miles an hour, has been disputed in some cases. As regards insufficiency of power, I would mention that the means which we have of securing punctuality in the arrival of the trains appear very deficient. Again, the demand of the public for the use of the express trains for Post-office purposes is now very strong; but we cannot use these trains unless we erect an apparatus for the exchange of

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bags at those stations at which the trains do not stop, and the Postmaster-general has no power under the existing Acts to erect such apparatus.

4392. Practically, therefore, you are dependent on the will of the companies whether you use the express trains or not?—Precisely so. I would also draw the attention of the Committee to the disproportionate increase of expenditure on the part of the Post-office since the opening of the railways. I find, on examination of the accounts, that while the total weight to be conveyed has increased by about 140 per cent., the payments on the part of the Post-office for the conveyance of mails has increased by nearly 300 per cent. since the opening of the railways; viz., from about 112,000*l.* in 1836, to about 442,000*l.* (of which about 362,000*l.* is for railway conveyance) in 1852.

4393. Do you mean that for the same service the railways receive twice what the old mail-coaches received?—Very nearly.

4394. Is the same weight carried a greater number of miles?—The increase in mileage is probably about the same as the increase in weight.

4395. What is the proportion of payment to service, as between the old mode of communication and the railways, per cwt., per mile, for instance?—I have not worked out the exact number of miles over which the mails are conveyed, but I consider that the increase of mileage is about in the ratio of the increase of weight conveyed; consequently the increase of expense per mile would be about two to one. I should mention that this statement of expense is inclusive of tolls which we pay upon certain mail coaches; but that it is exclusive of the cost of guards, and also of the mails conveyed by carts and horses. Further, that as some awards are still pending, the payments for 1852 are partly estimated.

4396. But the mails conveyed by carts and horses have nothing whatever to do with it?—Therefore I have excluded them.

4397. Do you represent that the charges made by the companies against the public are excessive charges, when compared with what the public used to pay under the ancient system?—Certainly, understanding your question to apply to the Post-office service.

4398. Mr. *Laffan.*] You have stated that the weight carried now by the railways, is 140 per cent. greater than the weight which was formerly carried by other means of conveyance?—About that.

4399. That is, it is considerably more than doubled?—Yes.

4400. Also, that the distance over which this increased weight has to be carried is increased in about the same proportion; that is to say, the distance is more than doubled also?—The total distance that we work over may have been more than doubled, but the weight per mile is not also more than doubled. I am giving the gross weight conveyed of all our mails. They have increased about 140 per cent.; and supposing the payment had increased in proportion to the weight conveyed, that also would have increased 140 per cent.; but the actual increase is nearly 300 per cent.

4401. But the increase of weight will not give the real increase of work done, unless you have some data by which you can arrive at the increased distance?—I am not speaking of the weight of each particular mail, but of all the mails.

4402. What you mean is, that the mileage has increased, not the mails have become heavier?—The mileage has increased, perhaps, in about the same ratio as the total weight of the mails; consequently, in any comparison of expenses, it may be disregarded.

4403. *Chairman.*] Will you proceed to illustrate what you think are the just requirements of the Post-office against the railway companies not now provided for by law?—Yes; we find, so far as the public is concerned, that the railway service is not only performed with greater celerity, but at a lower rate; that a passenger, or a ton of goods, is carried now at a lower rate than before railways were established; but such is not the case with the Post-office. The weights being equal, and the distance equal, the charge by the railway companies is considerably higher than it was under the old system of conveyance by coaches. Another objection to the present state of the law is the delay and uncertainty in the awards. The Committee is aware, that in the great majority of cases the rate of payment by the Post-office is determined by arbitration. Now, it frequently happens that these arbitrations are in progress for years. There is an award now pending between the Post-office and the Great Western Railway, which has been undecided, I think, for nearly four years; so that during the whole of that time the Post-office is in ignorance as to the rate of payment for the

the service. If we knew exactly what sum was to be paid, it is not improbable that some part of the service might be found to be too costly in proportion to the convenience afforded, and it would be discontinued, or, what is more probable, if we knew beforehand what would be the cost of any service demanded by the public, we should afford it; whereas at present the Postmaster-general is obliged to withhold it.

4404. Then you propose to substitute some other method than the method of arbitration in determining what is right for the railway companies to charge the Post-office?—We propose to substitute a fixed mileage charge in certain cases, where we think that may be done without injustice to the railway companies; in other cases we still propose to retain arbitration, but to regulate it; we propose that the law shall lay down a principle of arbitration. I may mention that when the present arrangements were adopted by Parliament, they were considered temporary, to be superseded as soon as experience of the working of railways should have afforded the requisite data for laying down a scale of charges; this will be seen on reference to the Report of Mr. Labouchere's Committee, which sat in the year 1838.

4405. What is the mode now pursued for instituting an arbitration between you and any railway; for instance, this case you have mentioned of the Great Western?—Each party appoints an arbitrator, and the arbitrators have to agree upon an umpire; but there the delay generally arises.

4406. There is no power to nominate an umpire, except that of agreement between the two referees?—No.

4407. With reference to this case of the Great Western, was there not an award of an umpire, Sir William Molesworth, under which the Great Western carried the mails, upon which the Postmaster-general refused to pay the amount due to the Great Western?—I have no recollection of such refusal; but as it would not be in my department to advise the Postmaster-general on the matter, I cannot speak with certainty in reply to the question.

4408. Then the only security, under the present system, for the appointment of an umpire at all is, that the company will not get their money until the award is made; therefore they have an interest in facilitating that appointment?—I should be misunderstood if I led the Committee to suppose that this difficulty arises in all cases; delay does sometimes occur, and I mentioned a special instance.

4409. Have some of the railway companies given you greater facilities over their lines than the law entitles you to demand?—They have.

4410. Name those that have done so?—The Brighton Company many years ago gave the Post-office great facilities over its main line; we have also made an agreement with the London and North Western Company for the use of all their trains. A similar agreement has been made with the Midland Company, and with the Lancashire and Yorkshire Company. I should mention that the two last are not yet fully settled, but still we are acting on the agreements as though they were.

4411. In speaking of the remuneration which the Post-office ought to pay to the railways, have you taken into consideration the increased weight of the mails, and the circumstance that books and pamphlets, and things of that kind, are carried now, which used not formerly to be carried?—Certainly, they all enter into the account of weight. You were asking me as to the additional facilities given by certain lines. I have here a memorandum of the additional accommodation afforded to the public in consequence of these agreements. It is as follows: Brighton Company. Four additional mails are given from London to Brighton daily (making six in all), and three additional mails from Brighton to London, making five in all. London and North Western Company. A day-mail from London given to Huddersfield. An earlier arrival and later despatch of the London night-mail effected at Huddersfield. Arrangements made to send the American mail from Liverpool to London by the first ordinary passenger-train after its arrival, instead of detaining it for the regular mail-trains. An afternoon despatch of letters to the North of England, Scotland, and Ireland given to the inhabitants of Peterborough and Oundle. The local mail between Manchester, Ashton-under-Lyne, and Staleybridge transferred from the Manchester, Sheffield and Lincolnshire Railway to the London and North Western Railway. The accommodation of the public was improved, and a saving effected to the Post-office. The London day-mail to Leamington and Warwick accelerated to the

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extent of half-an-hour, by using the branch line from Rugby. Luggage trains employed for conveying night London mail on the line between Blisworth and Peterborough, thus giving an earlier arrival at certain towns, and an improved local communication. The irregularity of the Sunday evening mail from Liverpool to Yorkshire remedied by transferring the service from the Lancashire and Yorkshire to the London and North Western Railway. An afternoon despatch of letters from London to Watford and Berkhampstead established by employing the 5 P.M. express train. An additional morning despatch of letters to London granted to the following towns, the letters reaching London in time for an evening delivery, and in time for despatch by the night-mails of the same evening: viz. Birkenhead, Brierley-hill, Bewdley, Bridgnorth, Dudley, Kenilworth, Kidderminster, Stourbridge, Tipton, West Bromwich, Birmingham, Chester, Coventry, Leamington, Liverpool, Macclesfield, Manchester, Newport (Salop), Northampton, Rugby, Shrewsbury, Stafford, Stockport, Tamworth, Warrington, Warwick, Wellington (Salop), Wolverhampton. Two passenger-trains in each direction between Manchester and Leeds employed, for affording additional local mails between Liverpool, Manchester, Bradford, Halifax, Huddersfield, Dewsbury, and Leeds. The complaint of the inhabitants of Coventry of the insecurity of the mail-cart conveyance for the London night-mail remedied, by using the branch trains between Birmingham and Rugby. The Nuneaton and Coventry branch used, instead of the mail-cart, in connexion with the London day-mail, for conveying the letters to and from the North. Trains between Manchester and Staleybridge employed in lieu of mail-cart; and an additional local post by railway established between Manchester, Ashton, and Staleybridge. An earlier arrival and a later despatch of the North mail given to Oxford, by using the branch line from Bletchley. The London day-mail to Leeds, Bradford, Halifax, and Huddersfield, accelerated by employing the morning express train from London. Branch night trains between Birmingham and Stafford employed for carrying mails, thus greatly relieving the pressure of duty in the Birmingham office. An afternoon express mail at 5 P.M., from London to Edinburgh and Glasgow, established, and Liverpool and Manchester also connected with this express mail. MIDLAND COMPANY: An additional morning despatch of letters to London granted to the following towns, the letters reaching London in time for an evening delivery, and in time for despatch by the night-mails of the same evening: Bradford (Yorkshire), Derby, Halifax, Huddersfield, Leeds, Leicester, Lincoln, Nottingham, Sheffield, Wakefield. A local day-mail established between Birmingham, Burton-on-Trent, and Derby, and a London day bag given to Burton-on-Trent. The London day-mail for Leeds and Bradford accelerated by employing the morning express train. A later despatch of the London night-mail from Stamford afforded, giving two hours longer for posting letters at night. Acceleration of the letters from the North by the up day-mail for Bristol, by the employment of the first passenger-train from Birmingham. Local mid-day bags established, from Derby and Nottingham to Leicester, by the mid-day express train. LANCASHIRE AND YORKSHIRE COMPANY: The northern letters for Bradford, Halifax, and Leeds accelerated, by employing an early morning passenger-train from Manchester. An additional local mail twice daily, between Manchester, Liverpool, Bradford, Halifax, Huddersfield, and Leeds, established, by ordinary passenger-trains. The London day-mail accelerated to Rochdale, Halifax, and Bradford. The arrival of mid-day and evening mails at Halifax and Bradford accelerated, by employing the branch line from Sowerby Bridge. A second mail from Liverpool and Manchester afforded to Goole. A local mail from Burnley to Leeds and Manchester established. I would mention, that not only has the public been benefited by these arrangements, but that the railway companies also have derived advantage in their increased receipts.

4412. In some cases, as for instance in the case of Brighton, is it not obviously a consideration with persons residing at Brighton, either permanently or for a time, and connected with business in London, whether they can rapidly and regularly get their letters; and is it not, therefore, for the interest of the Brighton Company to promote, as much as possible, the rapid transmission of intelligence by post to Brighton?—Certainly, and no doubt that was the motive which induced the company to make the offer to the Post-office.

4413. Proceed to detail the alterations which you think desirable in the law for the convenience of the Post-office?—With a view to effect these alterations, a Bill was prepared some time ago, under the directions of Lord Hardwicke, which Bill has

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has been adopted by Lord Canning, and perhaps it would be better that I should put it in.*

4414. State, in general terms, the purport of that Bill?—The main features of the Bill are, that arbitration is continued in respect of mails whose times of departure, &c. are fixed by the Postmaster-general, while fixed mileage rates are established for other mails. It was thought necessary to continue arbitration, because the circumstances of the cases vary so very greatly; but an attempt is made in the Bill to place the arbitration under regulation, as I before mentioned. The object aimed at, of course, is to establish a fair principle of award, which may, I think, be stated as follows:—The principle on which awards should be made, appears to be, that the Company has a just claim to the sum they would be willing to take for the service rather than lose it, if the Postmaster-general had practically the option to give the mails or to withhold them. Sometimes he has this option; and then there is less difficulty in obtaining moderate terms. So determined, the remuneration would be a sum equal to the *additional* expense incurred by the company in consequence of the Post-office requirements, plus a moderate profit on such outlay. The Act (1 & 2 Vict., c. 98, s. 6), appears to contemplate such result; the preamble speaks of 'reasonable remuneration.' The words are, 'Whereas it is expedient that provision should be made by law for the conveyance of the mails by railway at a reasonable rate of charge to the public.' So does sect. 6; but a remuneration greater than would be given if both parties were unfettered, cannot be considered reasonable. The necessities of the public require, in many cases, that the mails should be conveyed by railway; and the law obliges the company to perform such conveyance, providing, however, a "reasonable" rate of payment; intending, apparently, that neither party shall be at the mercy of the other, but that both shall be left in the same position as though they were free to negotiate in the usual manner. In proposing to pay at the same rates as a private trader, the Post-office acts liberally, since the Crown has an undoubted right to use a railway, as other public road, toll-free.

4415. The difference between the two cases being, that on a road you furnish your own carriage, whereas on the railroads you use the locomotive power furnished by the railway companies?—Yes; I have here a statement of facts in support of the principle now submitted to the Committee: "Evening Express from Liverpool to Glasgow. In 1851 applications were received from Liverpool and Manchester for a third mail to Glasgow and Edinburgh, by the night express train then running. The Postmaster-general, being desirous of granting this additional convenience, applied to the several companies concerned to learn the expense. The sum demanded amounted to nearly 6,000*l.* a year. In making this demand, the companies stated that the train had been started only as an experiment, and that its continuance was doubtful, unless the Post-office granted them such an allowance as would make it worth their while to undertake the permanent continuance of the train. So enormous a payment for the conveyance of a very light mail was of course impossible, and the project was for a time abandoned; but in May 1852, the train still continuing to run, the Postmaster-general decided to send a guard as a passenger, the bags being taken as his luggage. The payment for the railway service north of Newton (south of that place, under the agreement with the North Western Company, it is free) amounts, under this arrangement, to 611*l.* a year; but owing to the doubtful state of the law, it has been thought necessary to withhold from the intermediate towns the convenience of this mail; and to avoid weight, and consequently a heavy demand for excess of luggage, it carries no newspapers. An attempt is now being made to induce the companies to carry newspapers to Glasgow and Edinburgh; but, although the total weight to be carried would not be increased (for it is part of the plan to withdraw the guard, who is useless), and although the Postmaster-general has offered to advance the payment to 1,000*l.* a year, or by more than 60 per cent., two out of the three companies concerned refuse their assent." This will indicate to the Committee the nature of the difficulties we have in meeting the wishes of the public, and our want of sufficient power with reference to the railways; there are many such cases; but the remainder of the paper I will put in.

Vide Appendix

4416. Is that a fair illustration?—Yes.

4417. You were understood to say that whenever the Postmaster-general requires a train to be started for the convenience of the Post-office, there you would refer it to arbitration; but that whenever the Post-office can make use of a train already in existence, the guard carrying luggage should travel as cheaply as any

* *Vide* Appendix.

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any other passenger similarly circumstanced; and, besides, that that kind of apparatus should be fitted at the stations which you propose, which will enable you, without stopping the train, to exchange bags?—Those objects have been kept in view in framing the Bill which is now before the Committee, but those are not the only objects. In some cases we desire to send a mail without sending a guard as a passenger; the cost of the mail would be too great if the guard were sent as a passenger; therefore we desire to place that mail under the charge of the company's guard. The Postmaster-general has now the power so to act; but when he exercises that power, as the law now stands, the payment is to be determined by arbitration; we propose in the Bill to substitute a mileage charge in such cases.

4418. Are there any peculiar liabilities attaching to the servants of the Post-office while in custody of the letters?—Of course the servants of the Post-office are all bound to take the best charge they can of the mails, but there is no pecuniary responsibility in the matter. In some instances the companies, under such circumstances, have applied to be released from any pecuniary liability which might attend the loss of the mails, and that release has been given.

4419. Do you mean that you would trust the mail to a servant of the railway company, imposing upon him no other liability than the company would be under as the carriers of a common parcel, of the contents of which they were ignorant?—Yes, in the case of small mails.

4420. Would you, on the part of the Postmaster-general, be satisfied with that degree of security?—Yes, the railway guard is quite competent to take charge of the bag; we find in practice that the mails are carried safely under such arrangements.

4421. Would it, in fact, be a competition between the Post-office and the company, for the carriage of small parcels?—There, no doubt, is some competition between the Post-office and the companies with regard to small parcels, but I very much doubt if the companies have ever suffered any injury from the circumstance of the Post-office conveying parcels. Our charges, except for very light parcels, are too high to enter into competition with those of the companies. Besides, the companies have no legal monopoly of the conveyance of parcels,

4422. You are not now advocating the general public right to unite a number of parcels into one parcel; that is a separate question altogether; you are now advocating a particular statutory right to be conferred upon the Post-office on behalf of the public?— Yes, with a view to the public advantage.

4423. Then the letter bag being made up, containing letters, newspapers, books and other small parcels, would be delivered to the company, who would be called on to carry it as a single parcel, and be responsible under this Act for the loss of any one of the articles contained in it?—Practically, the responsibility imposed by the Act is no burthen to the companies. I never knew an instance of a company being mulcted for any loss of mails. An instance occurred a few years ago on the Great Western, when the mail was robbed; but I never knew any other instance in which a loss arose as regards a railway mail.

4424. Would you take any security for the prompt delivery of letters of the Postmaster-general, to the place where they were to go to?—No, we always relieve the companies of all charge regarding the delivery of the bags. The Post-office messenger is always in attendance to receive the bags on the arrival of the train; we merely call on the company to convey them from one station to another.

4425. Mr. *Laffan*.] Some cases have occurred where a railway company has declined to allow the Post-office to enter their stations for the purpose of receiving the mails?—I believe there have been instances of the kind, but they are very rare.

4426. Now, suppose such a right of excluding the servants of the Post-office, to be asserted by a company, has the Post-office any right to insist on their servants entering the stations?—I believe the law is not clear on this point, but it is made so in the Bill. I should mention that the Bill is not intended, of course, to override any existing agreements for definitive periods with the companies.

4427. By the manner in which arbitrations are conducted at present, between the Post-office and the railway companies, is it always in the power of the Postmaster-general at any time to put an end to an existing arbitration and call for the new one?—Not unless a change takes place in the service.

4428. But practically it is in the power of the Postmaster-general to put an end to an existing agreement by an alteration in the service?—Yes.

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4429. The railway company has not a corresponding power?—No, they have not. After the expiration of a certain term of years, I think three years, they may open the award, though the Post-office should not alter the service. If any alteration should take place in the service, then the company or the Postmaster-general may open the award; I am speaking, of course, of the service performed under formal notice. If we merely avail ourselves of one of the ordinary trains for the conveyance of a mail, then the company may alter the times of that train as it pleases; but if we fix the times, then the company has no such power. The Bill authorises the Postmaster-general to require any speed not exceeding the maximum speed of the company's first-class trains. The Postmaster-general has such a power at present; but the Bill goes on to say, that provided as high a speed shall have been run six weeks immediately preceding the notice. The object of this arrangement is to prevent that which once or twice has occurred, namely, that after the notice has been served on the company, they have reduced their maximum speed, and so invalidated the notice. There is one limitation, which is, that if the Railway Commissioners shall declare the speed to be unsafe, then of course the Postmaster-general has no such power. Again, it gives to the Postmaster-general power to require that no passengers be conveyed by a train carrying the mails, under 2 Vict. c. 98, that is, under special notice, other than passengers paying the highest rate of fares. The object of this provision is to prevent the mails being overloaded by second and third-class passengers, which is sometimes the case, and which prevents their keeping their time punctually. It has frequently happened that trains which have been paid for as special trains have been rendered irregular by their being overloaded with traffic. The Bill also gives the Postmaster-general power to send mails by any ordinary trains at fixed rates of mileage, according to the average weight conveyed; and the rate to be charged is 1 *d.* per mile for a weight not exceeding 112 lbs., and a ½ *d.* per mile for any weight exceeding 112 lbs. and not exceeding 224 lbs.

4430. A penny a mile for the first cwt., and a halfpenny a mile for all the other cwts.?—Yes; these charges are, generally speaking, lower than those now paid, but, in certain cases, they are higher. On the Horsham branch, for instance, we pay at the present time 1 *d.* per mile. On the Vale of Neath Railway we pay a little under 1 *d.* a mile. There is a mail conveyed between Wakefield, Leeds and Boston at the rate of about a halfpenny per mile, and several between Ferry Hill and Hartlepool also at about the rate of a halfpenny per mile.

4431. Mr. *W. Patten.*] For any length?—Ninety-six miles a day is the total length of the last service. Wakefield, Leeds and Boston is 176 miles a day. If the proposed charges are compared with the charges made by the companies for parcels and for passengers, it will be found that they are not unfair. The Brighton Company, for instance, charge 6*d.* per parcel not exceeding seven pounds for any distance exceeding 25 miles. Take the distance from London to Portsmouth, which is 96 miles, then 16 such parcels, or one cwt., would cost 8*s.*, or exactly 1 d. per mile. But these charges are for occasional customers, and they include collection and delivery, whereas the service of the Post-office would be daily, and the company would be relieved of all trouble or expense either in the collection or delivery of the bags. The London and North-Western Company charge for 120 miles 1*d.* per pound whatever may be the weight of the parcel, no charge, however, being less than 1*s.* This is at the rate of less than 1*d.* per mile for the full cwt. This also is for an occasional customer, and the charge includes delivery. Newspaper parcels are charged half these rates, or less than a halfpenny per cwt. per mile. The service of the Post-office being a daily service, I conceive that we are entitled to be treated as wholesale customers by the railway companies. Now, the holder of an annual ticket on the Brighton line, travelling to London and back, say three times a week, would pay only about one-fourth the ordinary fare, or about three-farthings per mile as a first-class passenger by the express trains. A second-class annual ticket between London and Epsom, a distance of 18 miles, costs 14*l.* a year: if used six times a week to and fro (and for short distances, many gentlemen travel every day), the cost would be $\frac{33}{100}$ of a penny per mile, or a little more than a third of what it is proposed to charge the Post-office. The following extract from Mr. Robert Stephenson's evidence before the Railway Committee of 1848, has an important bearing on this subject. He is speaking of arbitrations, in which he had been engaged: Q. 2854, "Mr. *Hume.*] Whenever the railway has a train departing at the hour at which the Post-office sends the mails, you have in all

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all cases allowed simply for the additional locomotive power, and the additional carriage required?" Mr. Stephenson answers, "Yes." I need not point out to the Committee that the payments which are proposed in the Bill far exceed what would be required on this principle of award. Again: we propose, if one compartment of a carriage is required, to pay 2*d.* per mile; if two compartments, 4*d.*; if a whole carriage, 6*d.* In proof that these charges are not too low, I would mention that the cost to the company of an *additional* second-class carriage, including locomotion, wear of carriage, and interest on its cost, is not more than about $1\frac{1}{4}d.$ per mile, and we propose to pay 6*d.* With regard to the mode of conducting arbitrations, I would mention, that in laying down the principle which is to guide the arbitrators, the object has been to reduce the labour of investigation, to exclude all unnecessary considerations, and to obtain greater uniformity and fairness in the awards. The principle which is laid down in the proposed Act is this, that the arbitrators shall first determine the bare additional cost of the service to the company, that they shall then add to that bare additional cost one-fourth for the company's profit; and if the train be such that there are no passengers whatever, then the sum arrived at by this process would be the award. But if the train carry any passengers or other traffic for the company, then the arbitators would be required to deduct one-fifth part of the average gross receipts for such traffic from the sum last arrived at. For instance, suppose the arbitrator to be of opinion that the bare additional cost of carrying the mail and no other traffic is 16*d.* per mile, they would add 4*d.* for the company's profit, making 20*d.*, and then, if the average earnings of the train were half-a-crown per mile, which is a low amount, they would deduct one-fifth of 30*d.*, which is 6*d.*, from the 20*d.*, leaving 14*d.*, and that would be the award. I have here a memorandum prepared, with a view of showing that Parliament is fully entitled to deal with this question. I have already pointed out that, under a recommendation of the Committee of 1838, the present law was viewed as a temporary arrangement. Extract from the Second Report of the Select Committee on Railway Acts Enactments, 1846, page VII.: "Whilst your Committee thus express their regret that the public interests were so little consulted, in the arrangements with railways, for so long a period, they have seen with satisfaction the commencement of a better system. In consequence of Sessional Orders of the House, both in this and the previous Session, clauses have been introduced into all Acts relative to railways, either for the construction of new lines, or the extension of old lines by branches, reserving the power, whenever it should be deemed necessary, to revise and regulate the scales of fares and charges; and as nearly all the great companies have either obtained or applied for Acts for the construction of branch lines, and the extension of old lines, they have thereby enabled Parliament to place them under such control or supervision as it may be deemed expedient to adopt; and thus the hope may at length be entertained that means for securing the public against oppressive and extravagant charges will yet be adopted." I would also read an extract from Lord Redesdale's speech, in the House of Lords, 19th November 1852, on railway legislation: "To him it appeared that all the railway companies stood in a position which rendered such a course of legislation justifiable, because for the last 13 years a clause had been inserted in every Railway Act, subjecting the companies to the operation of any general Act which might be introduced with respect to railways. No railway company, therefore, would have any right to complain, whatever the interference of the Government might be."

4432. Will you put in any statement that you wish to lay before the Committee, embodying what you think to be the rights of the Crown to run toll free over the railways?—I would put in this statement by Mr. Labouchere and the Attorney-general, made in the House of Commons on the 21st July 1838: "Mr. Labouchere had consulted the law officers of the Crown on the subject, and by them he was informed that the Government had an absolute power of running their own carriages on the railways; that they could convey troops; that they could run carriages, not with passengers, but for any *bonâ fide* service of the Crown, and that they could do all this toll-free upon the railways, just in the same manner that they could run them on the high roads. The Attorney-general had no doubt that if prerogative of the Crown were put in force, the Post-office communication might be carried on without the payment of tolls." I have here a report, which was prepared in 1847 under the direction of the Postmaster-general, which bears on the general question now before the Committee.

4433. Is it approved by the Postmaster-general?—It is partially approved.

4434. Does

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4434. Does it contain, in a more compendious view than you have given already, your opinion on the subject?—It contains a suggestion for compensating the railway companies for very reduced charges for the mails (lower charges than those under consideration); viz. a means of securing them against ruinous competition.

Vide Appendix.

Mr. *Thomas Kimpton* and Mr. *George Crouch*, called in; and Examined.

Mr. *T. Kimpton* and Mr. *G. Crouch.*

4435. *Chairman.*] (To Mr. *Crouch.*) WHAT is the grievance of which you complain against the railway companies?—For breaking open my parcels and detaining them from one to 30 days; for abstracting them and delivering them, and charging the public the price for each parcel, where I have paid the company the carriage for them to London.

4436. Is this a question which has been the subject of inquiry before legal tribunals?—Yes, I have been compelled to go to law with many actions, and I have been successful in all; still they continue that system against me.

4437. Is it the question with which we are familiar, or have you anything new to state?—No.

4438. It is a case in which certain persons, either in the book trade, or any other trade, collect a large number of parcels into one hamper, deliver that hamper to the railway company, and pay for it as one parcel, consigning it to some agent of their own at the place of destination, it being the duty of that agent to open it, and to deliver the several parcels to the several customers?—Yes.

4439. That having been the subject of litigation for many years, your complaint is, that the railway companies interpose obstacles in the way of your carrying on that practice?—Yes.

4440. Has it recently been the subject of legal investigation?—Yes.

4441. Where?—In London.

4442. In the county courts or the superior courts?—In the superior courts; I had an arbitration that was to have come on yesterday, but one of the counsel did not appear.

4443. You say that your legal proceedings have been successful?—In every instance.

4444. What is it that you wish to submit to the Committee?—That there ought to be some remedy by which we could get satisfaction for the injury done to us, without compelling us to resort to those tremendous legal proceedings that I have had. I have had as many as one hundred witnesses to produce to prove a thing which they admitted afterwards before the trial came on.

4445. Is there any particular remedy that you have considered, and that you wish to submit?—That there should be some penalty attached, which might be recovered before a magistrate.

4446. (To Mr. *Kimpton.*) Were you interested in the case that was recently tried in the County Court of Liverpool?—I was the party only interested.

4447. There you had tendered the cost of the parcel, and 10 per cent.?—No; the case was this: the company issued, on the 1st of September, a notice, saying that they would not carry packed parcels unless we paid them at double rate, stipulating, among other conditions for carriage, that we should give a statement of the contents of the parcels, the parties to whom they were addressed, and the towns they were going to, at the same time of delivering these parcels. These extra charges I paid, but I paid them under protest, and on the 7th of November I sought to recover them back in the Liverpool County Court; and on the 22d of December, Mr. Pollock, the judge of the County Court, decided that I was entitled to a verdict, and, in accordance with the decisions of the superior courts, he thought the company were entitled to a reasonable charge beyond the usual price, and he thought that 10 per cent. in addition to the ordinary carriage was a reasonable charge. Notwithstanding that decision of the judge, the company still persisted in making me pay the ordinary double charge, and they have continued to do so up to the present time. On the 10th March I tried the case on the same question in the Sheriffs' Court of London, against the North Western Company, and on the 13th April the judge gave his decision that I was entitled to the verdict, in the same manner, on the same ground, and in precisely the same way that the judge of the Liverpool County Court had decided.

4448. With the additional 10 per cent.?—Yes.

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4449. That 10 per cent. is founded not on accident, but on some of the previous decisions of the superior courts?—The judge in the case of Parker *v.* The Great Western Railway Company, said he thought the company were entitled to some reasonable charge, but that it should be small. The sum that the judges of the county courts thought to be a reasonable charge was 10 per cent. in addition. Notwithstanding that I had offered that money in addition to the ordinary charge, they have refused to take it. I have paid the double charge under protest. Since that they have adopted another mode, which is, that they will not take any parcel from me, unless I pay them double the amount of carriage, and at the same time that I pay the money, I make a special agreement with them to pay the money for that particular parcel, and all parcels in future that I shall bring to them, compelling me to make a special contract, or endeavouring to do so, thereby preventing me going into the county court at any future time. I have a great many grounds of complaint against the North Western Company, not only of breaking open my parcels, delivering to individuals, and charging their own carriage on the contents, abstracting parcels from packages, but likewise, they have broken open these packages, and they have taken the goods out of the paper belonging to one consignee, and put them into papers belonging to other consignees. In some cases those goods which were intended for Liverpool, have been sent to Glasgow, having the direction on to Glasgow, and the goods of the party in Glasgow were consequently delivered in Liverpool in the same manner, and goods to Chester have been sent astray in the same way. This has occurred, not in one instance only, or it might be the freak of one of the servants, but it has occurred in three or four instances of goods coming from different towns; therefore it must have been done by the orders of some one in authority.

4450. Is your complaint against the North Western exclusively, or other companies also?—Mine is against the North Western Company exclusively.

4451. Is your trade applicable to any other lines?—My trade is between Liverpool and Manchester, and Liverpool and Dublin.

4452. You do not come in contact with any other lines of railway?—I do not.

4453. (To Mr. *Crouch.*) Do you?—Yes, all the lines; the North Western, the Great Western, the South Western, the Brighton, and the Midland Counties; I have had actions with three of the lines, and have been successful.

4454. Does your evidence amount to this: that the law has established that you have a right to do what you do?—Yes.

4455. And whenever you go to law you get damages?—Yes.

4456. But that the process of going to law, day by day, on the transactions of your daily business, is vexatious and injurious?—It is.

4457. And that what you want is some more compendious remedy?—Yes; I hold in my hand a list containing a number of overcharges, amounting to 150 *l.*

4458. Have you ascertained whether, through the medium of a court of equity, you can or cannot obtain the remedy you want?—I cannot.

4459. Have you tried a suit against them in the Court of Chancery?—No.

4460. Have you taken advice as to whether you can?—I have taken advice on it, but it would be out of my power to do it.

4461. Would the remedy not lie, or was the expense too great?—The expense is too great; I have had 17 actions in the superior courts, and beat them in every one.——(Mr. *Kimpton.*) On the occasion of my damages being settled in the County Court of Liverpool, the solicitor of the company, Mr. Blenkinsop, told me, "We don't care how often you go to the county court under 5 *l.*, because you get nothing by it, and if you go above 5 *l.*, we shall go to the court above."

4462. (To Mr. *Crouch.*) Did you present a petition to the House of Commons, on the 27th of April?—To be heard before this Committee; since which they have detained one package of goods, on the 29th of April, booked and sent to Mr. Lowe, of Birmingham, which was not delivered up to last night.—(Mr. *Kimpton.*) I had a package, delivered on the 26th October 1852, containing seven parcels, and that package has never yet been delivered; I had another package in March last, which contained nine small parcels, and that is still in their possession; they admit this parcel is in their possession, and they say they mean to keep it, holding the doctrine which they stated in the first instance. When I commenced business in Liverpool, my parcels accumulated some five or six together in their office, and they refused to deliver them under the circumstances. I waited on Mr. Palmer, the superintendent, along with the gentleman who is my agent in Manchester, to know

know why they did not deliver these parcels, and he said, "We are advised by our solicitor that these goods are absolutely forfeited.'

Mr. *T. Kimpton* and Mr. *J. Crouch.*

4463. Who said so?—Mr. Palmer; I applied to a magistrate, but he stated that he had no jurisdiction.

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4464. The upshot of the evidence given by both of you is, that your legal rights are systematically interfered with by the Company, and that, from the nature of the case, the ordinary legal process of the courts of justice does not afford you a sufficient remedy?—(Mr. *Kimpton.*) Yes.—(Mr. *Crouch.*) Yes.

4465. You do not suggest any particular remedy to be adopted by the Committee, but you desire some more rapid means of attaining your object than the ordinary law affords you?—(Mr. *Crouch.*) Yes.—(Mr. *Kimpton.*) There is a remedy which I have not mentioned. I have memorialised the Board of Trade, and requested them, according to the Act of Parliament, if the Attorney-general has power, to order a prosecution of the company, after giving them notice to abandon these practices. I think it would be advisable, under such circumstances, that the Attorney-general should take the case in hand, if he sees that it is for the public benefit.

Veneris, 3° *die Junii*, 1853.

MEMBERS PRESENT.

Mr. Cardwell.	Mr. Strutt.
Mr. E. Denison.	Mr. Wilson Patten.
Mr. Laffan.	

THE RIGHT HON. EDWARD CARDWELL, IN THE CHAIR.

Major-General Honourable *George Anson*, a Member of the House; Examined.

4466. *Chairman.*] YOU are the Chairman of the London and North Western Railway Company?—I am.

Major-Gen. Hon. *G. Anson*, M.P.

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4467. You became so at the time when Mr. Glyn ceased to be chairman?—On Mr. Glyn resigning, I became chairman.

4468. You have, no doubt, an acquaintance, generally, with the proceedings that have taken place before this Committee during the present Session?—Generally, I have.

4469. Will you be so good as to state whether, in your opinion, the past legislation of Parliament in reference to railways has been satisfactory or unsatisfactory to persons interested in railway property?—I think it has been most unsatisfactory, and I think results have proved that it has not been conducive to the convenience of the public, and it certainly has been very much against the interests of the railways themselves.

4470. A good understanding between the railway companies and the general public is desirable, is it not, both for one and the other?—I think most desirable; I do not think that the railway system of this country, or any other country, can be properly carried out, unless there is a good understanding between the companies themselves and the public.

4471. The issuing to the public the greatest advantage which a railway communication can afford, must, after all that the law could do, or that Parliament could do, very much depend on the spirit in which railway affairs are conducted by the managers of railways?—Very much.

4472. On the other hand, the security of railway property must very much depend upon the assurance which the public have of the disposition of railway managers to secure to them the advantages which have been spoken of?—Certainly.

4473. The plan of dealing with each Railway Bill as if it were a separate question, and referring it to a Committee appointed for the sole purpose of considering that particular question, and not having before it the more general features of the railway accommodation of the country, has been found to work to the prejudice both of the companies and the public?—I have no doubt it has.

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4474. Would it, in your opinion, be very desirable that all the railway schemes of a Session should, if possible, be submitted to Parliament in a comprehensive shape, so that parts of a system might be regarded, not merely as separate portions, but in their relation to the whole?—My opinion is, that it would be very desirable to have some description of tribunal before which all railway projects for the year should be brought, and that it should give a deliberate opinion as to the advisability or not of allowing them to proceed further through Parliament.

4475. If certain general principles were submitted to a tribunal of that kind, would it not prevent the incurring, both by the companies and their opponents, of a very large Parliamentary expense?—There is no doubt, that if that system were carried out in the mode in which I should expect it would be, it would prevent a great deal of that Parliamentary warfare which is now being constantly carried on.

4476. The cost of that Parliamentary warfare in direct expense has been very serious; even to the great companies, very large indeed; of course, therefore, to persons less able to sustain great expense, it has been still more onerous?—Yes.

4477. But the evil of Parliamentary contest is by no means confined to direct expenditure in Parliamentary warfare, but extends to the generating distrust and encouraging hostility of a permanent nature between different interests?—There is no calculating to what extent the expenditure arising out of that Parliamentary warfare is carried; it also creates ill feeling and mistrust between companies.

4478. In proportion as the great trunk lines of the country are completed, and legislative sanction is required in future for smaller and branch lines, the expense of Parliamentary contest will bear an increased ratio to the capital required for the undertaking itself?—Yes, of course.

4479. It is, therefore, still more important now to provide a cheap and satisfactory mode of dealing with railway questions even that it was before?—It is certainly most desirable that something should be done to avoid the present extravagant expenditure.

4480. Is it not the case, that many questions of principle are constantly decided in different ways by different Committees in the same Session?—I think it has been always so since the first commencement of railway legislation. Looking back ten years ago, when it first commenced, we find that the Report of a Select Committee in those days rather gave an opinion against competition. They gave also a modified opinion with respect to running clauses; and there was an Act of Parliament passed to prevent the broad gauge being extended through the country, but not one of those opinions has been attended to as a principle to guide Committees. Committees have not generally acted upon those recommendations, sometimes deciding one way, and sometimes deciding another.

4481. Uncertainty in the decisions of Parliament naturally gives rise to speculative proceedings in the country on the part of those who intend to come before Parliament?—The very uncertainty of what a Committee may decide encourages persons of all sorts to promote different lines of railway throughout the country, either for the purpose of injuring others, or to make something by them by disposing of them to other parties.

4482. There has been no security heretofore taken that the promoters of a Bill are *bonâ fide* intending to make the railroad; but, on the contrary, it has been the practice now unfortunately, where Bills have been obtained, to use them for purposes of a totally different kind?—That has frequently happened.

4483. With regard to the mode of opposing Bills, there is no provision made by Parliament for ensuring that the public case against the Bill shall be heard?—None.

4484. On the contrary, either established companies, or municipal bodies, or the general public of a district, are excluded by the rules of *locus standi* from being heard directly as opponents of a Bill?—That is the case.

4485. In order to have a *locus standi* before a private Committee, it is necessary that you should be in the position of a person directly affected by the compulsory clauses of the Bill?—That is so.

4486. But is it now very generally the case that a private interest apparently affected is, even to the person petitioning, of small importance, whereas the true controversy intended to be raised before the Committee, is a controversy of a public character, as, for instance, competition between two rival systems of railway, and the

the question which of them is likely to serve the district with the greatest advantage?—That is generally the main question.

4487. And that main question is not provided for at all by the rules of *locus standi* as they now exist?—No, I believe not.

4488. On the subject of amalgamation, do you concur generally in the evidence which was given by Mr. Swift and the other witnesses, who recommended amalgamation to the notice of the Committee?—I have always been a strong advocate for amalgamation, because my experience has shown me that the larger you can get the system of railways acting together, and the more uniform the management, the greater convenience there is to the public, and the greater advantage to the railways themselves. We have had agreements with other companies, which may be considered equal to amalgamations; and when we made large proposals for amalgamation this year, I did not contemplate that Parliament would object to them, because we are enabled to carry out virtually what is required from amalgamation, without the sanction of Parliament; but the great desideratum of amalgamation is, that parties are bound by Act of Parliament. Instead of that, we have large agreements with other companies, and there is constantly distrust in the background; one does not know why or wherefore; but so long as companies are not bound by some more stringent power than their own agreements, whether verbal, or whether made out in a legal form, they consider that their interests some day or other may be disunited, and that whatever may take place in the meantime, at the ending of their agreements may be injurious to them. For that reason we have sought amalgamation, and my own conviction is, that it would be extremely beneficial to the public, and to the railways themselves, both by increasing the value of their property, and enabling them to carry on their system in a much more economical manner than they do at present.

4489. Amalgamation has been recommended to the Committee in two different propositions, one contemplating the ultimate union of all the railway property in the kingdom, the other contemplating what has been called territorial division, or the distribution of the railway interest into perhaps seven different divisions; do you give your adhesion to either of those views?—I think that, in the first instance, amalgamation is extremely desirable; but beyond that, there should be a division of territory, at least that the territory should be marked out in some mode or other, not perhaps by any arbitrary line, but by the judgment of some persons, who should say that such a company should occupy the district. I think that that would be more beneficial to the companies themselves, because we gain less by amalgamation than the public, and should not be ready to make any great concessions for amalgamation being granted by Parliament. But if I felt that there was a security against the invasion of the country which we occupy by other companies, I think it would be very desirable that a large control should be vested in some body in this country, so as to prevent any abuse of the power which we might then possess. With respect to the actual division of the country, I think it would be virtually carried out, as I have said before, by the decision of those persons before whom all the projects which are submitted to Parliament should be brought.

4490. Suppose your scheme were adopted, which contemplated such a territorial arrangement as you have spoken of, it would require some provision to be made for regulating the interchange of traffic at the points where the different systems are united with each other on the map?—Certainly; we should be quite willing to agree to any arrangements that were proposed by the tribunal to which I have referred.

4491. Suppose two railways were so situated, that it was the interest of the travelling public from one point to another to use partly one system and partly the other, whereas it might be for the interest of the railway upon which the travellers first took their places to carry them round by a greater mileage, rather than to give them the use of the most direct mode; would you object to the authority which you contemplate exercising a control for the purpose of securing to the public the use of the most direct communications?—Certainly not, because I think all the objections could be met by traffic arrangements, by a division of receipts from the different parts of the country from which either passengers or goods would come.

4492. Then in your opinion it would be essential that in some mode or other those arrangements should obtain validity?—Yes.

4493. Now, with regard to goods; as long as there are different systems of railways, it will of course be the interest of each system to obtain for itself

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the greatest mileage charge of the goods traffic; and therefore, where it would be the natural course for goods, or for some portion of the goods traffic, to take one line in preference to another, it might, nevertheless, be in the power of one of the systems, from accidental local circumstances, to control the transit of those goods, and compel them to go a greater distance over its own line; would that be a matter which in your judgment might probably be made the subject of interference?—I think generally, that if the railway companies felt they were secure in other respects from competition, there would be an agreement that they should carry from point to point at the same rates. The mileage would not then be taken into consideration. They would divide the traffic.

4494. Now, take an instance which Mr. Stephenson mentioned, with regard to the salt taken from the salt-pits of Cheshire, in which he stated that certain working arrangements subsisting between the Yorkshire Railway and the Cheshire Railway, on which the salt is first loaded, had the effect of causing that salt to be shipped to the Humber; whereas it would have been more convenient for the owners to send it to Newcastle?—I am not able to give an explanation of Mr. Stephenson's description of that traffic.

4495. But assuming the facts as they have been mentioned to be accurate, would they constitute a sort of case as to which, in your opinion, there ought to be an interposition, so as to obtain for the trade between Cheshire and Newcastle convenient facilities for its conduct?—I think that wherever there is shown to be any great abuse on the part of the railway companies, the interference of that tribunal ought to be allowed, and as belonging to a railway company myself, I, individually, should not object to it.

4496. With regard to safety in railway travelling, do you think that any alterations might be made in the law with advantage for the purpose of rendering safety to the public in travelling by railways?—The great security against accidents is uniformity of management, and that the railway companies should be in that position which would enable them to afford efficient establishments, with plenty of persons to superintend and take care that the traffic is properly conducted.

4497. Are you of opinion that the great tendency to danger which we have experienced during the last winter, was in a great degree occasioned by the necessity which was supposed to exist for pushing economy to the utmost limits?—I am not quite prepared to say that; I think it was to a certain degree accidental. It seemed that for some months many accidents were attributed to the weather, and to the consequent deterioration of the permanent way, and other similar causes, but it will be found that these accidents may come in succession very quickly, for two or three months, and then afterwards none may occur for some time We have heard of none lately; I do not think it has arisen from the greater precaution that has been taken, because I believe that there has been as much anxiety shown on the part of those who have the management of railways to secure the public against danger during the last winter as there is now.

4498. Do you think it would be possible to take better precautions for securing a greater uniformity of discipline on the part of railways; for instance, by throwing the responsibility from the servants of the company exclusively upon the managing directors or general superintendent?—I should have no faith in that; I have no doubt that some companies may be better managed than others; from my knowledge of those gentlemen who have the actual management of the traffic arrangements and the trains of these companies, I have the very highest opinion of their ability; I am sure they are indefatigable in their exertions to prevent accidents.

4499. Mr. *E. Denison.*] It would appear rather, from your answer, that these accidents really belong to the chapter of accidents, and that they would come in turn, and then pass away, and that no change of system or greater attention on the part of officials would be likely materially to remove them?—I think that they do in some measure belong to the chapter of accidents; it may be expected that they may happen periodically; I do not mean to say that no better system of management can be introduced upon railways, but from my knowledge of railway management, I believe every attention is given to it by the individuals employed; no doubt other means may be invented hereafter calculated to prevent accidents, which we are not aware of at present.

4500. Passing from this question of accidents, do you think the experience of past years has changed the opinion of railway directors, as well as of the public, with

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with regard to the necessity, first of all, of a change in the Parliamentary system, and next as regards the desirableness of some controlling power between the railways and the public?—I think that the opinions of railway directors are much changed in that respect; I know formerly, there was a great objection to interposition on the part of Government or any other power; I think railway companies would be willing, provided they were guaranteed in the districts they occupy, to submit to a large control on the part of the Government.

4501. You have given an opinion, in the early part of your examination, about the importance of some tribunal which should express an opinion as to the schemes which were brought before Parliament; you have stated that the authority of that tribunal might confine companies within certain districts; now, have you any decided opinion whether the authority should be an official authority, or what may be called a Parliamentary authority?—There was formerly, I believe, an objection made to the appointment of the Railway Commissioners of the Board of Trade. The question is so important, that I am of opinion the Government ought to take upon itself great responsibility; and my own impression is, that the Board of Trade should have the power of selecting certain persons at the commencement of the Session, to consider all the railway projects proposed to be brought before Parliament. It would not be necessary, in my opinion, that they should be a fixed body. They might be varied. There are plenty of able men in the country whose services the Government might command for such a purpose. I think that if persons were selected by the Government to undertake certain districts of the country, one the north, another the south, a third the east, and a fourth the west, there would be a greater confidence felt by railway companies who had their Bills submitted to them, than there would be in any other tribunal. The Government would have the responsibility of the appointment of these persons. One of the great objects would be to ascertain by whom all these projects are originated. They may appear good, and to be required by the country in which they are proposed to be made; but it would probably have been considered beforehand whether such a line would be remunerative by the company that occupies the country, and finding it would not, has not proposed to undertake it. But other parties project it for the purpose of getting their Bill through Parliament, and then forcing the existing company to buy it at a large price. Therefore, I think, one of the first things to be considered is, by whom such projects are brought forward. The next point for consideration ought to be, whether they are required for the country, and then whether they would be remunerative; in point of fact, whether the trade and commerce of the country requires the additional railway accommodation that is proposed.

4502. That is the subject matter which the tribunal would have to consider; the question rather referred to what the constitution of the tribunal would be which should have to consider these things?—Persons selected by the Government from any profession.

4503. That would be a sort of committee under the authority of the Board of Trade?—Precisely so.

4504. Would you propose that the President of the Board of Trade should superintend, and be in a manner responsible for the recommendations of these Commissioners?—Yes.

4505. Would it not be necessary to fix official responsibility somewhere?—Yes, certainly.

4506. Then, though the Board of Trade should have the appointment of these Commissioners, it would be necessary that the Board of Trade should approve of the acts of these Commissioners, if their recommendations are to be brought before Parliament under the responsibility of the Board, or to be rejected?—The Board of Trade would have the responsibility, either of the rejection or the recommendation that these measures should be carried forward. In point of fact, the responsibility would rest upon the Board of Trade in the selection of proper persons. They would be responsible that they should be competent to give a good opinion upon all these matters.

4507. In order to keep the system uniform, would it not be necessary that the recommendations of these competent men should meet with the approval or rejection of the Board of Trade; that whatever was brought forward by persons appointed by the Board of Trade should be under the authority and responsibility of the Board of Trade?—Certainly; it is taken for granted they would not disavow the acts of the persons whom they employed.

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4508. *Chairman.*] It should be a Ministerial measure of the Session to prescribe the lines of railway which should be carried?—Yes, in fact it would be so.

4509. Would you limit to the Board of Trade the power of introducing Bills, or would you leave it, as now, open to any promoters to proceed with their Bills in the ordinary way, and call upon the Board of Trade to take part in the discussion of those Bills, according as their judgment might direct?—My idea is, that if they were reported against, they should be checked immediately, without proceeding further.

4510. On a former occasion, when the Board of Trade investigated Bills, and reported for or against, it was not found in practice that that at all ensured the rejection or approval by Parliament in conformity with the Report, and all the expense which is entailed by conflicts before Committees was incurred in those cases?—Precisely so. What I contemplate is, that the Report of the Board of Trade should be conclusive as to whether it was desirable that such Bills should go on before Parliament, or whether they should be rejected.

4511. That they should have that kind of veto which, in certain cases, the Board of Admiralty now exercises?—Yes.

4512. Do you think if such an arrangement as you have just contemplated were prescribed, that the railway against whose interest the Board of Trade should decide would acquiesce in that decision, and not endeavour by Parliamentary proceedings to subvert it?—If the law were laid down by a Government measure, they would be obliged to submit; they would not have the power of resisting.

4513. Mr. *Laffan.*] You were understood to suggest, that a general review of the railway legislation, proposed to be passed in the Session, should be brought forward as a Ministerial measure by the President of the Board of Trade; then, supposing any such step were taken, might it not be the case that several powerful railway interests, who found that their views were crossed by the legislation proposed by Government, might join a strong political party in the House, who happened to be in opposition to the Government, and throw out the Ministerial measure, trusting to the chance of the future Government introducing a measure more favourable to them?—Any legislative measure enacted on the Report of this Committee would become the law of the land, and the railway interest would be obliged to abide by it. If they found themselves strong enough to propose a repeal of any Act passed this year, on account of its being obnoxious to them, certainly it would be competent to them to try it; but I should have reliance on the good sense of the public and the House of Commons, that they would not be supported in obtaining the repeal of a law if it were found beneficial to the public.

4514. *Chairman.*] Then you would by enactment confide these powers to the Executive Government, and place it beyond the reach of a mere appeal to the House of Commons, and render the concurrence of the other estates of the realm necessary before that power could be repealed?—I would.

4515. Yet it would require the concurrence of the House of Commons to pass the schemes comprised in the measures introduced by the Board of Trade?—Yes, certainly.

4516. So that the combined effect of the general Act, which you contemplate should result from the Report of this Committee, will be, that no railway scheme can receive the Royal Assent without having first the sanction of the Board of Trade; but that certain schemes which had received the sanction of the Board of Trade might fail to pass through Parliament, and therefore not be carried into effect?—Such a contingency might arise.

4517. That would be a very natural result, would it not?—Yes.

4518. That, of course, would operate as a discouragement to the extension of railway schemes through the country?—Of bad ones, I think it would.

4519. Then it would always be in the power of any Member of the House of Commons to make a motion for an address to the Crown, praying that the Crown would consent to the introduction of any particular scheme?—I suppose it might be.

4520. So that by that indirect step, notwithstanding the Act of Parliament, an appeal to the House of Commons might be obtained by a disappointed company?—I believe that in the House of Commons it is always open to persons to make appeals against any decisions or against any Act of Parliament, if they choose

choose to adopt some peculiar mode of doing it. What I contemplate is, that the Bills rejected should have no further chance in that Session of Parliament. Major-Gen. Hon. *G. Anson*, M.P.

4521. Then, in short, you would make it absolutely necessary, as a condition, precedent to the scheme being heard before Parliament, that it should have received the sanction of the Executive Government?—Precisely so. 3 June 1853.

4522. Is it your opinion, that the general concurrence of the conflicting railway interests would be given to so stringent a provision as that?—I think it would. I think they are so tired of the present system, that they would be thankful if the Government would adopt some measure which would protect them from the enormous Parliamentary expenditure which they are now obliged to incur.

Rowland Hill, Esq., called in; and further Examined.

4523. *Chairman.*] WILL you be good enough to explain to the Committee the experience which you have had of arbitrations for the purpose of settling the differences between the Post-office and the railway companies?—Our experience has certainly been very unsatisfactory. We have found that arbitrations have generally been attended with very great delay; sometimes the two parties cannot agree upon an umpire; indeed, that is generally the difficulty. After that agreement has been entered into, the award is sometimes delayed, and we find that for similar services the award of one umpire differs greatly in amount from the award of another umpire The general result is one of great delay and uncertainty. *R. Hill*, Esq.

4524. Mr. *E. Denison.*] Have your arbitrations been carried on chiefly by persons who are paid, or by persons undertaking it as a gratuitous service?—The Post-office has a paid arbitrator; but the two arbitrators rarely agree upon a decision; the decision is generally by the umpire, and the umpire is not paid for his services generally.

4525. Has not the umpire generally been some gentleman of good character chosen to settle these differences, and doing it as a gratuitous service, over whom you have very little hold, except his mere good will?—The delay is rather with the arbitrators in agreeing upon the umpire than with the umpire. When the umpire is once appointed the decision generally follows pretty speedily, but there is frequently great delay in agreeing upon the appointment of an umpire.

4526. Mr. *W. Patten.*] The umpire acts under an Act of Parliament, does he not, which only allows him 28 days in which to give his decision?—A short time, 28 days I think it is; but if the time runs out, the appointment is renewed; there is a provision for dealing with a case of that kind.

4527. Mr. *Laffan.*] To what length of time have you known arbitrators disagree as to the appointment of an umpire?—For years.

4528. *Chairman.*] And the sole question in issue is, in most cases, whether the Post-office is fairly called upon to pay for certain services?—The question is as to the amount to be paid.

4529. Suppose the question referred to the arbitrators to be, whether the company should make certain detailed arrangements with regard to their stations and servants and general management, in order to meet the convenience of the Post-office; do you think that that would very much delay the arbitration?—I am afraid it would, very greatly.

4530. Then, so far as your experience is concerned, if cases of that kind were left to be settled by arbitration, they would occupy a very long time, and be unsatisfactory, if not interminable?—Certainly.

4531. Mr. *W. Patten.*] Has your experience of arbitrations led you to believe that there would be any uniformity of decision in cases of that kind?—We find a great absence of uniformity at present; at the same time I should mention, that the services upon two lines are scarcely ever strictly identical, and therefore there is room for some difference of opinion as to the amount to be awarded.

4532. Mr. *Laffan.*] Have you ever known cases of awards given from mistaken impressions, palpable mistakes?—I think there have been such cases, but I have not much to do with the awards. If the Committee is desirous of taking evidence on that point, I would suggest their examining the Post-office arbitrator.

4533. Mr. *E. Denison.*] When an arbitration is appointed, why is it not possible to fix the time, before you enter upon it, within which an umpire should be appointed if necessary; why should it not be the preliminary step?—The appointment of an umpire is the preliminary step.

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4534. But why should you not say that the arbitration should go on, and the umpire decide within 28 days, which is the time the umpire is now allowed?—The difficulty is this, that if the parties cannot agree, there is no mode of enforcing agreement.

4535. Mr. *Strutt.*] The difficulty is of two arbitrators agreeing upon the choice of an umpire?—That is generally the difficulty.

4536. Mr. *Laffan.*] When an award has been given by an umpire, and the Post-office authorities have reason to believe it has been given under mistaken impressions, have they any means of rectifying the mistake?—No.

4537. *Chairman.*] How would you deal with this kind of case; you are familiar with the inter-communications between one trunk system and another, which are requisite in order to carry both the direct mails and the cross mails; suppose it were the interest of different companies that those communications should be made, not exactly to fall in with one another, in order to ensure to one company a greater mileage over its own line than the travelling public would have to pass, if the cross lines were arranged with the greatest convenience to the public; is that a matter which a reference to arbitration could bring to a speedy and satisfactory result?—Does the question apply to the Post-office service, or to the public generally?

4538. To the public generally?—I think it would be almost impossible for arbitrators to deal with questions of this kind, assuming that they were arbitrators selected for the occasion, and not men accustomed to consider questions relating to railway management.

4539. Do you think that persons who undertook to settle such questions for the general benefit of the public, must necessarily be armed with very arbitrary powers?—I think so.

4540. It would seem, therefore, to be necessary that great caution should be exercised in instituting those proceedings, the execution of which must necessarily be arbitrary in their nature?—Certainly.

4541. When you were last examined, you were asked some questions about the increase of mileage run by the Post-office since the opening of railways?—Yes; I find the increase of mileage is much less than I supposed it at the moment to be. I had not come to the Committee prepared to speak upon that question; at the moment it occurred to me that as we had doubled the number of dispatches in the course of the day, since the railways were first opened, and in some cases trebled them, an increase about equal to that in the weight of the mails, namely, 140 per cent., would be about the rate as regards the mileage; but it afterwards occurred to me that the effect of the railways has been to concentrate the traffic upon a comparatively small number of lines. This has, therefore, tended to counteract the increase of mileage. I have since ascertained, as nearly as I could, the present mileage as compared with the mileage of the year 1836, and I find that the increase is not more than about 25 per cent.; but this does not affect the conclusions at which I had arrived, which were founded on a comparison of weight.

4542. Are there any other parts of your former evidence on which you wish to make any observations?—I wish to state that the award of Sir William Molesworth, respecting which a question was put to me, was acted upon by the Postmaster-General. The award is dated 20th June 1848, and under this award several payments were made, amounting in the aggregate to upwards of 180,000 *l.* The award was made at the time that the Great Western Company were lessees of the Bristol and Exeter line. After a while, viz., in April 1849, they ceased to lease that line, and consequently the award was no longer applicable to the service. The Postmaster-General, with the concurrence of the parties, continued to pay under the award till the close of the quarter in which the Great Western ceased to lease the Bristol and Exeter line; from that time he of course required a fresh award, and that award is not yet given.

4543. Are you of opinion that public convenience requires a more extended use of the railways for the purposes of the Post-office?—I am. I think we should have upon every trunk line a travelling post-office, and upon nearly all lines two mails every day. I think, also, that we should have, as between the large towns, several mails in the course of every day; but under the present arrangements, some of these services would be too costly; the postage of all the letters conveyed would not cover the expenses which we are frequently called upon to pay.

4544. You proposed a change in the mode in which the remuneration payable for the conveyance of the mails was to be calculated and reckoned; has the tendency

tendency of late years been to give larger or smaller remuneration than you had before?—Larger.

4545. Can you account for it?—I think it is owing partly to the circumstance that the arbitrators at first appear to have been influenced by considerations arising out of the privilege which the Post-office had enjoyed upon the ordinary roads, and that, latterly, this consideration has been to a great extent disregarded. I think that is also owing partly to the circumstance, that many lines of railway are now open upon which there is comparatively little traffic, and we find that if a mail is placed upon one of those lines, we almost invariably pay a higher rate per mile for its conveyance than upon a line of large traffic. This arises out of the mode in which the umpire appears to arrive at his award. Of course we have frequently no means of knowing what are the considerations that determine the award, but occasionally the umpire has stated them, and we sometimes find that he appears to have been influenced by considerations of this kind; he says, in effect, "This line has a certain number of trains per day, say four; you want another train to carry your mails, which will make five; consequently we must charge you with a fifth part of the whole expenses of the management, and add to that charge a large sum for the use of the road." Now, it necessarily follows from this mode of determining the remuneration that the payment will be the highest where the traffic is least, and inasmuch as the mails are generally proportionate to the traffic of passengers, it also follows that we pay most for the lightest mails. I may mention, as an instance, that upon some of the Irish lines, where the mails are exceedingly light, we pay very high rates, in some instances, as much as 4*s.* 6*d.* per single mail. This, I think, is one reason why the awards have become larger. These awards for light mails tend also to increase the awards for heavy mails, for I have heard it said, "if you pay 4*s.* 6*d.* for a light mail, *à fortiori*, you should pay as much for a heavy mail;" and this again appears to influence the minds of the arbitrators. Again, I think the awards have sometimes been influenced by erroneous notions as to the competition between the Post-office and the companies for the conveyance of small parcels. Since the establishment of the book-post, it has been assumed that the Post-office has carried a very large number of small parcels, and this consideration has, to a certain extent, influenced the decisions of the umpires. The fact is, that the number of book parcels is so small, that if the whole receipt by the Post-office for such parcels were considered only a fair remuneration to the railway companies for their conveyance (and of course it covers other expenses), it would amount to less than five per cent. on our total payments to the companies, or, on an average only of about one halfpenny per mile.

4546. Then the Committee may collect from you, that, in your judgment, arbitration undefined by legal principles, and not regulated by any authority to make the decisions of arbitrators uniform and consistent, is an unsatisfactory mode of settling the questions between railway companies and other persons?—Very much so. I may add that in our case it interferes greatly with the desire on the part of the Postmaster-General to give to the public the free use of the Post-office.

4547. Then, if it were proposed to establish such a system of arbitration as a general mode of solving all the difficult questions of detail which arise either between one railway company and another, or between a section of the public and the railway companies, you would not be very sanguine of its attaining the desired result?—Certainly not.

Veneris, 10° *die Junii*, 1853.

MEMBERS PRESENT.

Mr. Cardwell.	Mr. E. Denison.
Mr. Labouchere.	Mr. Laffan.
Mr. Strutt.	Mr. M. Milnes.

THE RIGHT HON. EDWARD CARDWELL, IN THE CHAIR.

[*The following Letters were delivered in, and read.*]

10 June 1853.

Sir, Board of Trade, 6 June 1853.

As Chairman of the Committee on Railway and Canal Amalgamations, I am engaged in preparing a Draft Report, to be submitted to them on this day week.

It has appeared in evidence that one of the most important objects which could result from our labours would be the adoption by Parliament of some mode of dealing with railway legislation, more consistent, more uniform, and more comprehensive than the present plan.

It would, however, be idle for us to recommend in general terms a change of this kind, unless we had reason to hope that, by some new arrangement of the proceedings in private business with respect to Railway Committees, it would be possible to carry it into practical effect.

It has occurred to me that there might be a Committee of a character more permanent than has heretofore been the practice, which might take a more comprehensive view of all schemes submitted to Parliament in every Session; that to this Committee the Railway Department of the Government shall afford all the assistance which the Committee may desire.

That the Committee should make provision for facilitating the passing of unopposed Bills, and for the investigation of contested Bills should divide the whole country into districts, upon the plan of territorial arrangement; that they should collectively decide all questions of principle, and questions in the decisions of which more than one district might be interested, and should so direct the investigation of schemes within the respective districts, as to secure for the public within each of them the utmost advantage which might be derived from a judicious combination of new lines with those which already exist.

That the rules of *locus standi* be adapted to the necessity which exists for trying in a direct manner, and with a comprehensive regard to the general advantage, the public issue involved in any scheme; and that provision be made for the payment of costs, in case the Committee shall consider the opposition to have been illusory, vexatious or unwarranted.

That no scheme shall be investigated without security being taken, that in the event of its passing into a law the works will be actually made.

I have, &c.

The Right Honourable (signed) *Edward Cardwell.*
The Speaker of the House of Commons.

Sir, House of Commons, 8 June 1853.

IN dealing with Railway and Canal legislation upon some more consistent and comprehensive plan, I presume it is the wish of your Committee to depart as little as possible from the rules which govern the proceedings of The House with reference to all other Private Bills. I will not therefore stop to inquire what further improvement may advantageously be introduced into the present mode of conducting the private business of The House, but proceed at once to explain how your object can be best obtained. In the year 1837 a Committee, of which I had the honour to be chairman, was for the first time appointed, to whom were referred all petitions for Private Bills, and it was their duty to decide how far the Standing Orders had been complied with in each case. This Committee was strictly of a judicial character, and it consisted of 42 members, who had the power of forming themselves into sub-committees for the greater despatch of business. The Committee, however, met occasionally in a body to discuss and settle points of practice, whereby a greater uniformity of decision and a more consistent practice was introduced than had been known to this class of committees in any former period. This plan was subsequently discontinued in 1846, and the Examiners of Petitions for Private Bills were substituted for this preliminary Committee. I need not enter fully into the reasons which led to this change; but I may state, that as the sub-committees were required to adjudicate upon all the Petitions for Private Bills, the private

private business of the Session was inconveniently delayed; while the arrangements provided by the Standing Orders at that period for hearing the cases were so defective, that the parties were subjected to great inconvenience and expense. The Committee, however, was eminently successful in securing uniformity of practice; and it appears to me that a Committee on Railway and Canal Bills, constituted in the same manner, would form an efficient and satisfactory tribunal. 10 June 1853.

If you feel disposed to try the experiment, the Committee of Selection should be authorised, at the commencement of next Session, to appoint a Committee on Railway and Canal Bills, consisting of not less than 40 members, and to divide it into eight sub-committees of five members each, naming the eight chairmen, of whom one should preside over the whole Committee whenever they met to lay down rules for the conduct of business, or to settle points of practice. To a committee so chosen all *opposed* Bills relating to railways and canals should be referred; while *unopposed* Bills might safely be dealt with in the same manner as at present. Care, however, should be taken to prevent delay, and to secure the consideration of these opposed Bills in regular order, and with a few ordinary precautions of this nature, I have every reason to believe such a plan would be successful.

I am, &c.

To the Right Honourable Edward Cardwell, M.P., Board of Trade. (signed) *C. S. Lefevre.*

Mr. *Nicholas Wood*, called in; and Examined.

Mr. *N. Wood.*

4548. *Chairman.*] YOU are Chairman of the South Durham Coal-owners Association?—Yes.

4549. Have you also been much connected with the management of railways?—Yes, I have been connected with railways ever since the year 1815. I wrote a practical work upon railways in 1822, and I have been a director of some railways.

4550. Are you an engineer?—I am a civil and mining engineer; and I am connected with the Hetton and about 18 other collieries.

4551. Mr. *Laffan.*] As the engineer of those colleries?—As part owner and manager of them.

4552. Mr. *E. Denison.*] What collieries do you now manage, or have a share in the management of?—I have a share in, and part management of, the Hetton, the North Hetton, the Seaton Grange, Harton, the K. P. Grange, Springwell, Kibblesworth, Marley Hill, Andrew's House, Burnopfield, Pontop, Norwood, Kibblesworth, Seaton Burn, Black Boy, Leasingthorne and Westerton, which altogether raised 1,828,500 tons of coals last year.

4553. *Chairman.*] Now will you explain to the Committee to what extent, in your opinion, the railways furnish a just amount of facility for the conduct of the coal traffic?—I have found that the railways generally have had a beneficial effect in the conveyance of coals, by cheapening the cost of coals in the interior of the country, as compared with the former price of sea-borne coals, they have come in competition with. My opinion however is that, notwithstanding the competition with the sea-borne coals, they have been beneficial in extending the consumption of coals generally.

4554. Are you of opinion that the arrangements which are now in force upon the railways, are such as to afford to the coal traffic all the facility which railways are capable of affording?—No, I do not; I think there is something more required than what is at present in existence.

4555. Will you explain what are the inconveniences to which you would wish to direct the attention of the Committee?—The inconveniences which we find are generally the great power possessed by the railway companies over the traffic that is upon them. The amount of charges generally we do not so much complain of; we complain of them where those charges are partial, and not the same to every individual.

4556. Is that where an undue favour is shown to one colliery in preference to others?—Yes; the railway companies avail themselves of the power of that clause, by which they can vary the charge when the cases are not precisely under similar circumstances. That has been extended very much beyond what was originally intended. A colliery that is a mile from another one, may be differently dealt with, and we find, that the power which the railway companies have of charging, without reference to the precise distance, is in some cases very injurious.

4557. You mean that, by colourable difference of circumstances, they evade

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that substantial provision of the law which requires them to give fair-play to all people?—I think they do.

4558. Mr. *E. Denison.*] Will you give an instance of that kind of treatment of which you are speaking. Suppose the case which you have yourself put, of one colliery being a mile from another, and treated very differently from the other, in what way will that colliery be treated differently?—In the difference of charges; for instance, in long distances a charge is made of a halfpenny per ton per mile; in short distances a charge is made of as much as 1½ *d.* per ton per mile; and these charges are made, not because there is that difference in the cost of conveyance between the two distances, but because it is the interest of the railway to promote the longer traffic in preference to the shorter traffic.

4559. But do they make any material difference in the case of pits which are situated only as much as one or two miles from each other?—I do not know that I can say expressly that is the case; I do not know that I could point out any single instance of the pits being a mile from each other where the charges are very dissimilar, but within a comparatively short distance, there is certainly a difference made in the charges.

4560. In what sort of rate of difference?—Some are made to come within the limits of the Six-mile Clause, and in some, such charge is not imposed.

4561. But you cannot make them come within six miles if they are not within six miles?—No, you cannot do that, but the charge may or may not be made.

4562. Do you think that a colliery which sends coals 40 miles down a railway should be charged exactly the same rate as a colliery which sends coals down 10 miles?—No, I think not; I think there ought to be a proportionate difference in charge, in some degree corresponding with the increase of expense; but, then, that at present is quite optional with the railway company. They may make any charge they please. I considered that the question which I was to speak upon was the amalgamation of railways considered with reference to long distances. Now I am not against the amalgamation of railways; on the contrary, I think that the amalgamation of railways is beneficial both to the public and to the railway companies themselves.

4563. Before going to that, what machinery do you think could be employed to make railway companies act fairly between parties, when you yourself admit that a difference of distance will justify a difference of rates; how would you propose that railway companies should be brought to a just measure of those distances?—I think that should be settled by some tribunal.

4564. By what sort of tribunal?—I think the Board of Trade would be a very proper tribunal for that purpose.

4565. You think in such disputes as that, where it is the discretionary exercise of a principle, or the employment of a principle, to have justice done between the parties, that it would be necessary to have recourse to some tribunal with considerable powers?—I do. I think such a tribunal as the Board of Trade, acting on certain principles, would be extremely useful to the public, and a great benefit to the traders upon the line; and I think it would not act injuriously to the railway companies.

4566. *Chairman.*] Do you think that the Board of Trade should give specific and detailed directions as to the degree of convenience which the companies should afford, so as to develop the mineral traffic upon the line?—I think so. I should not be an advocate for fettering the railway companies in any degree in the conveyance of minerals along railways; on the contrary, I think that every facility should be afforded to railway companies for doing so. But then I think there are a great many causes of complaint, not only with respect to the irregularity of the charges, but also with respect to the trucks, and other arrangements, which I will speak of afterwards. I think such a tribunal as the Board of Trade would be extremely beneficial, and I think, acting upon certain principles, that such an interference would not be injurious to railways generally.

4567. The first principle you would lay down is, that of equal charges under the same circumstances?—That is so; the great principle should be, that every person should be treated alike.

4568. Then how would you define the words "same circumstances," for the guidance of the tribunal, by which that provision is to be carried into execution?—I think it should be a *bonâ fide* and substantial difference of circumstances that would justify a departure from equal treatment; not simply construing it into a literal

literal meaning of "under similar circumstances." I think persons capable of judging, such as the Board of Trade would be, would see whether there were *bonâ fide* and substantial differences in the cases or not

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4569. A person capable of judging would see at once, in such a case as you have supposed, that this was the true state of circumstances: carrying 100 miles at the same charge would be more remunerative to the company than carrying 40 miles, or a shorter distance; on the other hand, the cost of conveying the coal a shorter distance does not vary from the cost of conveying it the longer distance in the same proportion; there are, therefore, two principles at issue with one another, according to one of which, the words "the same circumstances" are to be interpreted, and, if I understand you, you would have the Board of Trade compel the company to carry for all persons at a certain profit, proportioned to the distance, without retaining to themselves the liberty of favouring that traffic which was more beneficial to them by reason of its going a greater mileage over their line?—I think, in the first instance, the charge should be the same for the same number of miles to every person, and when the distance is diminished, an increased charge. The difference per mile in the cost of the conveyance is in the haulage of the coals, or in the locomotive power. That is the only increase in the cost of conveyance of coals for short over long distances. After you get a certain distance, whether it is 100 miles or 200 miles, there is not very much difference in the cost of haulage, but within 10 to 20, or 30, then the cost is increased as the distance is diminished. Therefore, I think a Board, sitting to consider what was fair under the circumstances, would take into consideration the increased cost of conveyance, and decide accordingly. With regard to the question, whether railway companies ought to encourage the traffic which is the most profitable upon the line, or that which goes the longest distance, I do not know how far that ought to enter into the element if it is injurious to other parties. I think that is a question for serious consideration.

4570. Then, in giving your opinion as to how this principle of "same circumstances" shall be defined, would you make an allowance for the consideration to which you have just referred, or would you exclude all such allowance?—No, I think I should not entirely exclude it; I think it would be a subject of consideration. I think all traffic, coming upon whatever part of the line, and going the same distance, ought to be charged the same; but then I think railway companies should not reject traffic because it is only to be conveyed a short distance.

4571. Mr. *Laffan.*] You mean the same distance, in the same way?—In the same direction.

4572. *Chairman.*] And the same quantity?—Yes.

4573. Suppose, for instance, that one coal-pit furnished 40 waggons which is about the load of an engine, and that another coal-pit furnished a much smaller number of waggons, would you call those the same circumstances or not?—No; I think not; I think that a colliery which furnishes a sufficient load for an engine cannot be considered in the same circumstances with a colliery which supplies half a load; I think that that would be a substantial difference.

4574. Mr. *E. Denison.*] Do you think that the result of there being a tribunal, such as you speak of, having power to adjudicate upon such points, would conduce very much to the settlement of these questions on the spot, between the parties, without referring to such a tribunal?—I think it would; I think the very fact that such a tribunal as that could be referred to, would, to a considerable extent, do away with a great many of the disputes and differences which now exist upon railways.

4575. *Chairman.*] Would you have the tribunal hear both parties in open court?—Not in open court; of course the tribunal should hear both parties.

4576. Should they call witnesses?—I presume it would hardly be necessary; statements would be made by each party on which the tribunal would adjudicate.

4577. Now, statements have been made upon this subject to this Committee, by persons extremely well informed, and those statements are very opposite the one to the other; for instance, it has been stated that the Great Northern Company charge unfairly in regard to the coal traffic by persons interested in the coal traffic; on the other side, the manager of the Great Northern distinctly says, that that is not the case, and that there is perfect equality of treatment to all persons upon the Great Northern line; now, how would you propose a tribunal to ascertain a controverted point of that sort, except by an elaborate examination of witnesses?—

Mr. N. Wood. witnesses?—I think if the parties were face to face they must agree upon a statement of facts; it is either a fact or it is not a fact.

10 June 1853. 4578. Suppose the statements of the two parties to be very different from each other in regard to the circumstances upon which an interpretation of the principle of similar circumstances is to be made, by what process is the tribunal to investigate that difference, and arrive at its conclusion?—Let us take two cases; take Boston in the one case, and the commencement of the Great Northern Railway, at Doncaster, in the other; I should say that the charge for like distances from Boston and Doncaster should be precisely the same, and that the parties in Boston should have precisely the same facilities for the conveyance of their traffic as the parties in Doncaster; I think the great complaint, in these cases, has been, both with reference to the dues and to the finding of trucks; I think the Board of Trade, sitting as a tribunal, would soon ascertain whether the cases are precisely under the same circumstances or not, and if they are equally treated.

4579. Then you would have the Board of Trade lay down a precise and a detailed set of instructions, according to which the Great Northern should carry on their coal traffic from Boston, in the one case, and Doncaster in the other?—Exactly. I should not interfere with the Great Northern Railway Company in the dues that they think proper to charge, only to see that those charges should be made to every one alike. I think no trader upon the line can complain if his goods are carried the same distance for the same charge as any other trader. I think whatever part of the line the trade comes upon, the trader should have his goods carried the same distance at the same rate. I believe the great difficulty in those cases is as to who furnishes the trucks. Now, I think the Board of Trade would be a very proper tribunal, because they would ascertain whether the two cases are treated alike or not. I am well aware it may be said that the Boston trade being an uncertain one, and the other being a more certain one, that it is more the interest of the railway company to promote the one than the other; but still I think it is a very great hardship that the Boston people cannot get their coals upon the line on the same terms as the other people. As it is the interest of railway companies to convey coals the greater distance, they may preclude parties from putting coals on the line for the shorter distances.

4580. Mr. *E. Denison.*] But as you have admitted that the quantity of coals, and the number of trucks is a fair element of consideration, should not the certainty and uncertainty be an element of consideration; in the one case they are quite sure of their loads, and, in the other, uncertain for days and weeks?—I think a person at Boston must place himself, so far as the cost and convenience to the railway company, goes precisely in the same situation as the person at Doncaster, to have the same justice done him. If he cannot do that, then the difference of charges would be a consideration with the Board of Trade. He may be unable to so arrange his traffic as that the railway company can take him at all; if he cannot send his trucks regularly on the line, so that the railway can without inconvenience or serious interruption to their other traffic take him along, then, I think, he has no complaint to make.

4581. Then the rule of equal charges for equal distances would not be sufficient to guide you?—Not alone; all the circumstances would have to be taken into consideration; but I presume that those cases would be very trifling.

4582. *Chairman.*] Supposing there was a person who was willing to send 40 waggons every day, or every week, from Doncaster, in the one case, and, in the other case, that there was a gentleman at Boston who sometimes had 40 waggons to send, and sometimes none at all; how would you propose that the Board of Trade should arrive at the facts necessary for coming to an equitable conclusion in those circumstances?—I think before a person could go to the Board of Trade he should be prepared to show that he could place upon the line, at certain fixed determinate periods, a full load for an engine, or with the other traffic a full load. He would have no complaint to make, unless he could show that the railway company could convey his coals without injury to the general traffic of the line.

4583. Suppose the trade in any place to be fluctuating, and to depend upon the import by sea, would you say that there the parties had no case to come to the Board of Trade at all?—I think in that case they should store the coals, so that they might always be sure of having a certain quantity to transmit. Suppose a person conducting trade at Boston, he may make contracts for the supply of coals along the line, and those contracts might be supplied in a regular routine; and

if

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if the fluctuation of the wind will not permit him to do so, he must then store them, so that he can send them regularly along the line.

4584. Then a person in those circumstances would not have an appeal to this tribunal open to him at all?—There would be no difficulty in the appeal, because it would be a question of fact whether he does perform the conditions imposed upon him by the railway company or not. I think previously to coming before a tribunal on these matters, it will be necessary that certain rules and principles should be laid down with reference to each line of railway. The Great Northern Company would lay down the rules under which their traffic is generally conducted; and I should see no difficulty in those rules being arranged between the Board of Trade, the traders on the line, and the Great Northern Railway, or any other railway company; and these principles or rules would operate as a standard upon which the tribunal would act in any cases brought before them.

4585. Would you like those rules to be varied from time to time?—I think that they might be, on consultation with the railway company; but I think that the traders on the line ought to be heard on any general rules affecting their interest.

4586. Suppose the great majority of the traders were so situated, that their interest was promoted by a particular arrangement, but that there was a minority of the traders situated in another relation, who found that the arrangement was greatly against their interest; how would you obtain the voice of what you call "the trade," under those circumstances?—I think that they ought both to be treated alike, taking the case of the Yorkshire coal, and the case of the South Durham coal. The South Durham coal is at a greater distance, and if the South Durham coal is charged at the same proportionate rate per mile as the Yorkshire coal, we have nothing to complain of.

4587. They are all treated alike, according to a certain hypothesis, but what really affects them is in knowing whether that hypothesis is justly established to begin with. Now the difficulty will entirely consist in an accurate appreciation of the circumstances of the case. It will, therefore, depend upon a very minute and detailed knowledge of the facts, and a very well-considered application of those facts. How do you propose that the tribunal shall get what is necessary for it, namely; the most minute and accurate knowledge of all the facts that bear upon the case; are they to hear witnessess, or to hold an investigation in open court, or by what mode are they to become possessed of that knowledge?—I should scarcely think that it would be necessary to examine witnesses. I think that a free conference among the parties themselves, the statements of both parties being heard, and general principles having been established, on which the tribunal is to act, there will be no difficulty in settling the matter.

4588. Mr. *E. Denison.*] The parties being heard in the presence of each other?—Yes.

4589. *Chairman.*] How would you assemble all the parties: suppose you had an assembly to-day of a great number of persons on the one side, and a railway company on the other, and arrived at a conclusion; to-morrow you might receive a letter from a person who might say, "You have considered all the interests of those who happened to be present, and you have considered the interests of the railway company, but as I did not happen to be present, you have not considered my interest, and therefore I must ask you to reconsider the whole matter;" how would you deal with that case?—I think, as I stated before, that previously to entering upon its duties, the tribunal should hear all the parties, and arrange the principles on which they should act. The Great Northern have now a defined mode of conducting their traffic, sufficient to enable the tribunal to lay down the principles upon which that traffic is to be conducted. The parties should therefore all be heard, in the first instance, before the principles are laid down, and then the Board of Trade should act upon those principles, until they see very strong reasons for altering them.

4590. That is, they should issue circulars to all persons engaged in the trade in that neighbourhood, inviting every one of them to send in his views?—To meet together, and then they should arrange the principles upon which the trade is to be conducted. Speaking of the coal trade, that would be very soon settled; I do not think that there is very much intricacy in it; with reference to the regulations and dues to be charged upon railways. With reference to the trucks, that is a more complicated matter; but still I think, having myself considerable experience in coal traffic, and, in fact, having it daily, that there would be no difficulty in coming to some arrangement which would be equitable to all parties, both

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both to the railway company and the trade upon the line. I think the Board of Trade would have no difficulty in acting upon the principles which would be established, and in coming to a satisfactory arrangement.

4591. With regard to the Great Northern Railway, what is their conduct as respects the purchase and the sale of coals; do they act as common carriers, or do they acquire a profit as dealers in coals?—I consider that they do not act as common carriers, because they purchase the coals at York, paying a specified price for the coals, and after that the coal-owner has nothing more to do with them; he knows nothing as to the price at which the railway company sells the coals. If they were common carriers, the coal-owner ought to have the control of the coals; in fact, they ought to be his until they are sold to the merchant; and the railway company, as common carriers, should only have to convey them from the pits to the depôt, and the coal-owner ought to be enabled to make a bargain with the merchant or the consumer upon the line. That is not so with the Great Northern. It is so upon the York, Newcastle, and Berwick. I myself send a large quantity of coals along the York, Newcastle, and Berwick; and I deal with the consumers direct. The railway company finds it necessary, and I think it is necessary from my experience of railways, that the coals at the depôts should be sold by one person; but then the coals are sold at the price the coal-owners fix to sell them at, and the coal-owner can give what credit he likes, or sell them at such price as he likes. Now, on the Great Northern that is not so; the coal-owner loses sight of the coals immediately they are purchased at York by the Great Northern Railway Company. I may sell the railway company Tees Wall's Ends, which may be sold under any other name, and my coals may be injured in the market in consequence.

4592. Do you mean that the reputation of your coals may be injured by their being handled by the company, instead of passing through the hands of your own agents?—Just so.

4593. Is that arrangement compulsory on you?—It is.

4594. Is that because the company avail themselves of their position, as commanding the road between York and London, to force upon you arrangements at York, which, if you were otherwise situated, you would not consent to?—Certainly. I consider it quite essential for the character of the coals, and I think it is in accordance with the general system of commercial transactions, that the coals should be the property of the coal-owner until they are sold to the merchant, and that the coal-owner alone should sell the coals to the merchant.

4595. Mr. *E. Denison.*] Supposing the Great Northern should have any advantage from selling Yorkshire coal, rather than selling coal from Durham, would it be in their power, according to the present system, to vary the price as between those in favour of one against the other?—Certainly.

4596. And the owner of coals in Durham would have no power beyond York of controlling that?—Certainly not; with respect to sea-borne coal, there is a question now before the Board of Customs with reference to the certificates of the coal. The coal-owner is obliged to certify that the coal is of such a quality, and has been worked out of such a pit, and such certificate is to be forthcoming to the consumer, so that the consumer shall know with certainty what coal he is purchasing when he gets it; this is a regulation under the control of the Board of Customs, who are making it more stringent, so that the consumer shall be enabled to know with certainty what sort of coals he gets; it is in the discretion of the railway company to give any name they like to any coal they sell.

4597. Mr. *Laffan.*] Presuming it might be for the interest of the company to encourage the burning of the South Yorkshire coal, in the one case, or to discourage the burning of the Durham coal, in the other; do you think they have the power of selling a very inferior coal under the name of Durham coal, and so discrediting the Durham coal?—I see nothing, from what I know of their system, to prevent their selling Yorkshire coal as Durham coal. I do not say they do it; but I say there is nothing in the system which would preclude them from selling Yorkshire coal as Durham coal.

4598. *Chairman.*] Is it your complaint, that having contracted with the public to act as common carriers from York to London, charging all persons equally under the same circumstances, they do not fulfil that contract, but avail themselves of the power which the community has given to them to obtain a monopoly of the coal trade at York, and sell coals as they like in London?—That is certainly the complaint I make; I do not want to alter their system of conducting the traffic in any way whatever; they may make regulations as to taking certain quantities

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quantities of coal at certain times, and they may make any regulations they think proper at the depôts, and up to the moment when they put the coals into the depots; I do not wish any change to be made. I only wish that those coals which they do convey, should be my property until they are put into the depôts, and until I can sell them to the consumer. I am aware, as I mentioned before, that it would be a great inconvenience if each coal-owner had his own agent at each depôt, because then there would be required as many cells for coals as there were different coals. The Yorkshire coal-owners and the Durham coal-owners use the same lines, the York and Berwick and the Leeds Northern. We have found not the least difficulty in managing the trade on those lines; the railway company fix upon a person who is their servant, and he sells all the coals to the persons whom the coal-owners wish to sell them to; therefore as far as any arrangement of selling the coals goes, there could be no objection to the way I propose, because it is exactly the same as these railway companies now act.

4599. Mr. *E. Denison.*] Are the Great Northern at York always ready to purchase coals which are tendered to them?—I have been in negotiation with the Great Northern for some time, but I have not been, up to this time, enabled to sell them any coals. Mr. Clarke tells me that I ask too high a price. I have only asked the same price at York, to the Great Northern, as my coals are sold at in York to the other railways. The market may be different upon the Great Northern; I do not complain of that; but then, I think, if they acted as carriers only and carried my coals, I could judge at the different stations whether I could sell them to the consumer or not. I think if the railway company paid me the price I asked, they would get as much profit from my coals as merchants as they would from the coals they convey; but then I have no means of knowing whether they would do so or not, because I have no access to the consumer.

4600. At present you are confined at York to one single customer on the Great Northern line?—Just so.

4601. At York, as far as the Great Northern Railway extends through Lincolnshire, Nottinghamshire, and southward, you are confined to a single customer?—I am.

4602. And if he does not choose to take your coals, you cannot sell them at all?—I cannot.

4603. Whereas if the system was pursued on that line which is pursued northwards, you might have an agent at Lincoln, or in other places, to whom you could send coals and test the market there, as well as at York?—Yes; I have an establishment at Darlington, and a person to conduct the coal traffic upon the York, Newcastle, and Berwick, the Leeds Northern, and the other lines. That person would make contracts along the Great Northern line, and conduct the traffic on that line, and then I should either sell to the consumers, or to any of the merchants, as I thought proper.

4604. Now, as the most competent person in South Durham to speak on this subject, do you think the coal-owners of South Durham are exposed to any disadvantage by this arrangement?—That is certainly my experience, and the experience of the other coal-owners, except Mr. Pease, who has a contract with the railway company to whom he sells his coals; I have not heard him complain of it.

4605. Would you propose that a matter of that kind should be referred to be settled by some tribunal?—I think Parliament should make it imperative upon railway companies to be simple carriers. That is all that is wanted. The arrangements and mode of conducting the traffic would be settled between the railway companies and the traders upon the lines, and then, if any dispute arose, it could be settled by the Board of Trade. These suggestions, I think, are very simple in their nature, and could be carried out without any difficulty.

Mr. *Seymour Clarke*, called in; and Examined.

Mr. *S. Clarke.*

4606. Mr. *E. Denison.*] WILL you describe the course that is pursued by the Great Northern Railway Company in the coal traffic south of Doncaster, or from York?—It is a very simple arrangement, and one that I am quite sure the Committee will see the justice of. We are common carriers of coal, and nothing else. We do not buy the coals; we do not own them, but we make arrangements with the coal-proprietors, such as Mr. Pease, Mr. Wood, and others, with whom similar arrangements may eventually be made. The great object in the coal business is to carry quickly, and at a low price; in order to carry at a low price, we must get

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the wagons out and home in the shortest possible time. We have provided at the several stations along the line coal-drops upon an elevation above the road-way, where the carts and horses come to get them; we place these trucks as soon as they arrive at the station on these coal-drops, and by striking the bottom of the wagon we drop the coals down, and the wagons go back at once to be filled again. This dispatch is necessary, because the wagons are a very costly part of the whole arrangement. In order to secure a quantity, and a certain supply, we make contracts with the coal-owners, and that with Mr. Pease, which is as good an illustration as any other, because it is in Mr. Wood's immediate district: Mr. Pease contracts every week in the year or for any number of years, to supply not less than 1,000 tons of coals a week. We are perfectly sure when we send for those coals that they are there; therefore the engines do not run unnecessarily. We fetch these coals, but we can regulate the trips of empty wagons down, and full wagons back, with as great regularity as the passenger trains go. The contract which we make with these parties, of course, contains prices, because, unless we ascertain beyond all doubt, and by a contract, that a fluctuation which affects the sea-coal trade, with respect to the wages, will not take place, and unless we can be sure to have the coal at the same price all the year round, we should have the same variation all through England that is felt in London, when the wages are high or the freights are excessive, or the wind contrary. But we profess to deliver coals to the inhabitants of our several districts at a uniform price. The terms of the contract that we make, are that we shall not exceed the Act of Parliament price for the transit of the coals; that we shall pay the coal-owner, by whom the coals are sent, a certain given price, which, in Mr. Pease's case is 8 *s.* 6 *d.* per ton at York. That we shall carry them to the several places on our line, and when they are sold, on account of Mr. Pease, we return him the amount of 8 *s.* 6 *d.* a ton, which is his contract price, keeping the residue, if any, for the hire of the wagons and the use of the engines, to pay us as common carriers of coals. The reason why the contract is made with Mr. Pease, and not with Mr. Wood, is simply this: In order that Mr. Pease may send his coals to be sold for his eventual credit, at 8 *s.* 6 *d.* per ton, it must involve a certain given quantity, and this quantity can only be sold because the price will suit the parties who have to buy them. Mr. Nicholas Wood's price at York, as he stated, is 9 *s.* 6 *d.*, and Mr. Pease's price being 8 *s.* 6 *d.* is quite a sufficient reason, and the only reason, why Mr. Pease sends his coal, and why Mr. Wood does not.

4607. *Chairman.*] What Mr. Wood wishes is, that you should have no concern whatever with the price of his coals; but that, furnishing him all the facilities for carriage at a certain reasonable rate, he should be left to sell his coals, if people will give him his price, and to keep his coal, if he likes, when people will not give him his price?—I began by saying that there must be a certainty that the coals will go off when they arrive at the stations, in order that they may be carried with sufficient precision and rapidity, to enable us to sell them at the low price which we consider remunerative.

4608. That is, that the public advantage should, in your judgment, be consulted by the arrangement that you make?—No doubt.

4609. But you do not contradict the facts which are stated by Mr. Nicholas Wood, namely, that whether a gentleman shall have his coal carried along the line of your railway or not, depends upon the selling price which he chooses to fix on those coals?—It does not depend on the price he fixes, because they cannot be carried at a price to enable them to be sold at all, unless there is a certain quantity sent.

4610. Mr. *E. Denison.*] Supposing Mr. Wood had 1,000 tons, or any quantity you please, ready, you say that as he asks 9 *s.* 6 *d.*, when Mr. Pease is ready to take 8 *s.* 6 *d.*, that is quite a sufficient reason why they are not sold?—Clearly.

4611. But suppose Mr. Wood says, "I have got a merchant at Lincoln who will take these coals, but you will not carry them"?—Certainly we would, if a continuous contract could be made by Mr. Wood with a merchant at Lincoln, or anybody else. We cannot do that, because there is no possibility of our carrying these coals with sufficient precision, and in a quantity to enable us to make a contract with Mr. Wood or with some person at Lincoln, on the same terms that we are enabled to do by reason of the increased quantity which Mr. Pease sends to the general public.

4612. You say you take these coals from Mr. Pease at 8*s.* 6*d.*, and that when you sell them you give Mr. Pease 8*s.* 6*d.*, and any residue you keep for yourselves as common carriers?—No doubt.

4613. But if there is a certain tonnage per mile, the common carrier does not put into his pocket, after having paid that tonnage, the increase which is obtained by the sale of the article, if that article fetches a higher price at one time, and a lower at another?—The maximum Parliamentary rate we are authorised to charge, is the price that is put in by the railway company in the contract.

4614. Do you say that you propose always to supply your coals at a uniform price?—Yes.

4615. How comes it that if you pay a uniform price to Mr. Pease and charge a uniform price to his customers, that there is a margin one day, and not a margin the other?—It is always the same; we do not vary the charge.

4616. You say you profess to charge a uniform price?—So we do.

4617. Have you not varied the price lately?—Yes, but not on these coals; this contract was made with Mr. Pease in the North; there has been no change in the contract for these coals. The change has been because the South Yorkshire proprietors and the Durham proprietors had a combination against the railway companies, and those parties whose contracts in the South Yorkshire field had expired, have declined to send the coal to lie for sale unless they had an increased price. The South Yorkshire proprietors went to York and met the Durham proprietors. Mr. Wood was there, and they determined they would raise the price at which they would send the coals to lie for sale at railway stations.

4618. Mr. *Laffan.*] You said just now that the reason why you did not take Mr. Wood's coals when you did take the other coals, was, that the one asked 9*s.* 6*d.*, and the other allowed you to sell his coals at the rate of 8*s.* 6*d.*; therefore you, as representing the company, judge whether you will send an order for sale to one man and not to the other. Are you the proper person to judge whether the public should have the coals at 19*s.* 6*d.*, or the coals at 18*s.* 6*d.*; perhaps the public would prefer the coals at 19*s.* 6*d.*?—Without certainty of a continuous supply of these coals, and that there should be a thousand tons a week, we could not afford to carry them at the low price.

4619. Are you the proper person to judge; that certainly depends on the taste of the public; it is very possible the public might prefer the coal at 19*s.* 6*d.* to the coal at 18*s.* 6*d.*; and you erect yourself into a judge to decide what the public should prefer?—Not at all; it happens in this way: that the eventual charge to the public is made up of two items; one is the carriage, and the other is the price of the coal. The carriage comes into the pockets of the railway company, the price of the coal comes into the pockets of the coal-owner; if you put the two together, they amount to a certain sum, which will enable a large quantity of coal to be sold at a fixed price. But if the second element, which is the carriage, is to fluctuate with the quantity, there cannot be any certainty of what the price will be. Mr. Wood, I am sure, will admit, that a small quantity of coal could not be carried at the same price as a large.

4620. In the answer you gave, you are assuming that the public wish to have coals at a uniform rate, whereas it is very possible the public might prefer to have the dearer coals; for instance, supposing you think it necessary for the company to make a profit of 10*s.*, then you would add 10*s.* to the 8*s.* 6*d.*, and you would sell the coal to the public at 18*s.* 6*d.*; and in the other case, the coals that you buy at 9*s.* 6*d.* you would sell at 19*s.* 6*d.*; it is very possible that the public might prefer the coal at 19*s.* 6*d.*, giving you the same profit of 10*s.*, and the coals which you wish to sell at 18*s.* 6*d.* be shut out from the market, and thereby you assume to yourself to choose for the public?—Not quite; because you must assume, for your argument to be good, that 10*s.* would represent the carriage of the two qualities of coal in the same proportion with respect to each other; but if you send a small quantity of coal at 9*s.* 6*d.* you must add more than 10*s.*

4621. The question assumed, that any proprietor came to you and offered a thousand tons of coals per week from York at 9*s.* 6*d.* in his case, and in the other 8*s.* 6*d.*; by the argument you have used, you say, "We will take the coals at 8*s.* 6*d.*, but we refuse those at 9*s.* 6*d.*, because we think the public would prefer the coals at 8*s.* 6*d.*;" are you the proper persons to judge of that?—We could not afford to carry the coals at the price we do, as I stated before, unless we have a certainty.

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4622. The proposition is, that there is a given quantity?—Well, that is theoretic.

4623. Mr. *E. Denison.*] The question is this, if a man comes to you, and says, "Here are 1,000 tons of coals per week at 9*s.* 6*d.* continuously in the year," and your answer was irrespective of the quantity, because you said there is a complete answer to Mr. Wood; he wants 9*s.* 6*d.* for his coal, when Mr. Pease is ready to take 8*s.* 6*d.*?—Yes.

4624. But if there is an equal quantity on the part of Mr. Wood, or anybody else, would the price of 9*s.* 6*d.* be conclusive against him then?—Unless there is this contract made for 1,000 tons a week, 50,000 tons a year, which is the case with Mr. Pease, he would not sell these coals at York at 8*s.* 6*d.*; therefore we are obliged to look ahead, and specify a certain given quantity, in order that the price to the public may be eventually reduced to the extent of the value of that continuous contract with Mr. Pease.

4625. Mr. *Laffan.*] Suppose you leave quantity entirely out of consideration?—You must not do so.

4626. Suppose the same course is pursued in each case, and that two persons, A. and B., come to you, and say, "We are willing to send 1,000 tons a week along your line, from the same place to the same place, the same quantities and the same distances;" but A. says, "My coal is worth 9*s.* 6*d.* at York, and therefore I will hand it over to you at 9*s.* 6*d.*, to be dealt with according to the manner in which you deal with your coal." The other proprietor says, "My coal is perhaps not so good; I do not value it so highly; I will give it to you at 8*s.* 6*d.*" Then, supposing the cost to be the same, considering the fair profit for conveying the coal from one place to the other place to be 10*s.*, or any given sum, if you wish to deal fairly between the two parties, you would say, "We will take both the coals; we will give them a fair trial against one another; we will add 10*s.* to the 9*s.* 6*d.*, and sell them at 19*s.* 6*d.*; we will add 10*s.* to the 8*s.* 6*d.*, and sell them at 18*s.* 6*d.*; we will let the public choose between the two, whether they will use the one at 19*s.* 6*d.*, or the other at 18*s.* 6*d.*; and if we find that the demand of the public at any given point for one particular quality of coal falls to such a point, that it no longer pays us to continue that trade, then we will discontinue that coal; we will leave the public to judge between the coals; we will not assume to be judges for them;" on the other hand, you have assumed to judge for them?—I am sorry that I have not made myself understood. The price is obliged to be fixed in advance, or else the price cannot be advertised or made known to the public; and we know that if coals are of a similar quality, or very nearly a similar quality, and the one is to be 1*s.* more than the other, the contract cannot be carried out with regard to the dearer coals, and therefore we are obliged to assume that a large quantity of one coal will be sold before we can fix the price at which it will be carried.

4627. *Chairman.*] You are obliged to constitute yourselves judges of the price of coals, in order to secure the same quantity of traffic over the line?—Yes.

4628. Therefore you do not deny that you exercise a control over the price at which the coals shall be sold, but your pretence is, that it is a necessary part of your business as common carriers that you should do so?—Because we are obliged to exercise a control over the price at which the coals shall be carried, and unless the cost can be the same in both cases, which it would not be, we cannot fix the price for a smaller quantity.

4629. Mr. *E. Denison.*] But you are also to be the sole seller on that line?—The difference adopted by the Great Northern Company and the other companies is this, which I will explain: With regard to the Eastern Counties, they receive coals by water from Wisbeach and Lynn. They also take them at London, and carry them from the Thames down towards Cambridge and Broxbourne. They also receive them from the Midland district, by way of Peterborough and Nottingham. The Eastern Counties Company let their coal-drops at 4*d.* a ton, to certain individuals. Mr. Coote, of St. Ives, and Messrs. Prior, of London, and some other parties, who pay to the railway company 4*d.* a ton for the privilege of having an exclusive right to the drops at these several places. These parties, Messrs. Coote and Prior, deal themselves directly with the coal-owners, such as Mr. Wood and others. The system adopted by the Great Northern Company is different. In the contracts, to which I have already alluded, we require these coal proprietors to allow the coals, which they send, to be sold by the railway company, by one officer, so that he can have the control and regulation of the business, in the situation to which he

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is is appointed, instead of having the adverse interests of some coal proprietors, wishing to sell coals on their own account, at these places, and he regulates the discharge of the wagons into the coal-drops, and the return of the empty coal wagons, according to circumstances, and the quantity he sells. The railway company also becomes responsible to the coal proprietors for any bad debts that this man may make, the coals having been sent to lie for sale on account of the coal proprietors. Therefore, I cannot see where the great difference is, whether the coal-owners deal with Mr. Coote and Messrs. Prior, who have the exclusive right to these coal-drops, or whether the railway company, in order to facilitate the trade, and be enabled to reduce the price to the public, regulates the business at its own stations.

4630. Mr. *Laffan.*] You stated that you maintained a uniformity of price at the stations; do you mean that all coals are sold at the same price at certain stations?—I rather wish to draw the attention of the Committee to this: Mr. Wood was good enough to say that he did not suppose the railway company committed such a fraud as calling South Yorkshire coals, South Durham coals, and selling them under a fictitious name. If the railway company did that, they would be open to all sorts of charges, and, I have no doubt, to an action for allowing coals to be sold under an assumed name. But what they do is this; there are certain drops (there may be a dozen at a large station, and six at a small station,) with boards. There is a drop, with a board, for South Yorkshire coals; a second board for Durham coals; a third for slack; and another for Nottingham coals These are indicated by boards, which are nailed up against the drops, and the public have every right to choose for themselves, when they come, which coals they like.

4631. Mr. *E. Denison.*] What is the price at which the Great Northern are selling Yorkshire coals now in London?—I think it is 15*s.* 6*d.*

4632. What is the price at which they are selling the same coals at Hitchin?—At 17*s.* 6*d.*

4633. What is the distance between Hitchin and London?—Thirty-one miles.

4634. Why are the same kind of coals selling at Hitchin at 2*s.* higher than in London?—Because the competition which is kept up with the London market, in consequence of the colliers coming into the Pool, will not allow the same price to be obtained as is paid at Hitchin, and therefore the railway company does carry for less to London than it does to Hitchin, but always considerably within the maximum rate that is allowed by Parliament.

4635. But when you say that the Great Northern makes an arrangement to supply their customers always at the same price, how is that consistent with a different scale of prices at different places?—For this simple reason, that all commercial undertakings must have some profit. We do not profess to be so very patriotic as to carry the coals for nothing; for if we did that, we could not exist. We have to find a dividend for our shareholders, and we carry coals, as we carry goods, to some places at a less price than to others. It depends on the competition which is going on in the locality. The facilities of colliers, which come into the London Pool to supply London with coal, constantly tend to keep the price down in London; therefore we are obliged to carry, not without some profit, but with less profit, to London than we do to Hitchin; and I should here remark, that the price that was paid for coals at Hitchin before the opening of the Great Northern Line was 35*s.*, and it is now, as I have stated, 17*s.* 6*d.*

4636. When you talk about fixing a uniform rate, for how many points is that uniform rate fixed?—Every station.

4637. For what length of time at each station is it proposed to fix the price?—There is nothing that would prevent our altering the price if our policy did not require us to keep it at one uniform price. We wish this state of things, if we can arrive at it, that the public shall know that there is a supply of coals at a certain price at every station on the line. We want them to know, that if they send a cart from a place six miles beyond Hitchin, and they want six tons of coal, that they may give the carman six times 17*s.* 6*d.*, and be certain to get the coals there.

4638. *Chairman.*] You have already stated that you find it necessary for your own traffic, as common carriers, to intermeddle with the price of the coal?—It is the fact that we do take, as I said to Captain Laffan just now, two elements for the eventual price of coal; the cost of coal, which is the coal-owners', and the

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expense of transit, which is the railway's. Those two put together form the eventual price to the consumer. It is quite an admitted fact that we are obliged to regulate, not the first cost of the coal, but the eventual cost of the coal, because we regulate the second element of price. If we find that we cannot get a penny a ton per mile, which the Act of Parliament may give us, or even three farthings per ton per mile, and we choose to carry at a halfpenny, I say that no charge can be made against the railway company for an undue control of the trade of one party as against the other.

4639. Mr. *E. Denison.*] What control do you exercise over Mr. Pease's supply, as regards quality?—By checking them if they are bad, and not allowing him to lay them for sale. There is a clause in his contract, requiring him to send the best workings of such and such seams, during the continuance of his contract.

4640. Practically, has there been any exercise of that control, and have the coals been rejected?—No doubt, and I have had letters upon letters, and interviews upon interviews with Mr. Pease, and his agent, Mr. John Brown, and I have refused to allow the coals to remain for sale, when sent in bad order. That has been followed by a much better state of circumstances. The coals are better; they are cleaned, which is a technal term Mr. Wood knows the meaning of, as they come into the trucks, and the small and slatey-bits are rejected.

4641. But, practically, under an arrangement with Mr. Pease, the only coals which are sold down the Great Northern line are Mr. Pease's coals?—The only South Durham coals that we are taking are Mr. Pease's.

Mr. *Nicholas Wood,* re-called; and further Examined.

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4642. *Chairman.*] YOU have heard Mr. Clarke's evidence upon the subject of the mode in which the Great Northern deals with the South Durham coals, what observations have you got to make upon that?—I think Mr. Clarke justifies the mode of conducting the traffic and acting as merchants, on the ground of the collieries not being able to keep up a constant supply, and the railway company not being certain of getting the quantity which is necessary for them to conduct the traffic at a cheap rate. Now I speak for myself; my collieries are much more extensive than Mr. Pease's, and I am quite as able to supply any quantity that the railway company could take. The next question is as to their being able to sell the requisite quantity. My coals are superior in quality to Mr. Pease's; they are both sold in the London market; his coals sell there for at least 1*s.* a ton less. We sell the same coals at the same stations on other lines, and there is the same difference of price there, and I find no difficulty whatever in selling my superior quality of coals at the comparative price. But if it is necessary that the railway company should have a certainty as to the quantity of coals they are to convey in a week, in a month, or a year, I am quite prepared to enter into a contract to supply such quantity absolutely; therefore the railway company would be just as certain in the supply from me, as they would be from Mr. Pease. Then I do not think it is necessary that the railway company should be the salesmen of the coals at the depôts, to insure that certainty. I think that certainty would be as securely carried out if the railway company were to allow the coal-owners to sell their coals at what price they think proper. I think that every arrangement which Mr. Clarke seems to feel necessary for the conduct of the traffic would be accomplished by that mode, as well as by the mode in which they now conduct it, because the whole conveyance, emptying the trucks, and everything, would be done by the same persons who do it now; and the only difference would be, that I, as a coal-owner, could sell my coals; whereas the railway company either sells the coals, or does not sell them, as they think proper.

4643. Mr. *E. Denison.*] Is the system you speak of in operation from Durham to York, all along of intervening lines?—It is; it is in operation on the York and Berwick, and upon the Leeds Northern.

4644. There Mr. Pease's coals at a certain price, and your coals at another price, meet, and find their market as they can?—They do.

4645. At the terminus of the Great Northern, that is, in London, they again meet?—In London they do, but there they meet sea-borne.

4646. And find their market?—They do.

4647. But through the whole intermediate distance occupied by the Great Northern Company practically there is no competition, and they cannot meet,

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as things are at present managed?—They cannot meet, because Mr. Seymour Clarke thinks that 1*s.* a ton is too great a difference, and therefore he does not take them; whereas I am quite certain that if the public were allowed to judge of that, I should find no difficulty in selling the coals; I have sent some coals up the Great Northern, and my report of those coals is, that they were very well taken with.

4648. *Chairman.*] But at all events you object on general principles to the exercise of such a power as that which Mr. Clarke avows that the Great Northern Company feel themselves obliged to exercise?—I do; I do not think that it is the business of railway companies to act as merchants. Mr. Clarke instanced the case of the Messrs. Prior and Mr. Coote. These are very different cases, because, as a coal-owner, I can go to Mr. Coote and Mr. Prior and deal with them as merchants. Mr. Coote and Mr. Prior go to the consumers, and deal with them as merchants; between the coal-owner and the merchant the Eastern Counties do not, as railway proprietors, interfere in any way in the transmission of the coals.

4649. The practical injury to you is, that being an owner of best coals, you are obliged to take a lower price than the best coals would naturally command, or else you cannot sell them at all?—Or else I cannot get them on the railway.

4650. Throughout the whole of the Midland district, where the Durham coal is brought into competition with the inland coal, the competition is at present only between not the first-rate Durham coal, but the second-rate coals?—At present only a good second-rate coal; they have no best coal at present. Now, the coal I have is the Tees Wall's End, which formerly belonged to Mr. Backhouse. It is best coal, and always bears the highest price in the London market. I find from my experience upon the Eastern Counties Railway, that best Durham coal is selling from 3*s.* to 4*s.* a ton above the inland coal. In practice it is found that there is a certain class of customers who will take the best coals, and a certain class who will take the seconds. I have always told Mr. Clarke that he is in error in the way in which he conducts the traffic. I think it is the interest of railway companies to leave the public to judge of the coals they require, and to supply the public with all descriptions of coals, and I am sure it will be to their interest to do so.

4651. Mr. *Laffan.*] You do not mean to say that they are acting as merchants, but they assume to judge for the public what kind of coal the public should burn?—They will not allow the public to judge of the kind of coal they require, and they exclude best coal on account of its price.

4652. *Chairman.*] In order to give practical effect to the suggestions which you have offered to the Committee, it would be necessary that minute questions of accommodation, such as the furnishing of trucks and the times at which the engines should come to carry away the trucks, should be subject to this tribunal of which you speak?—I think the mode of supplying trucks to the different collieries should be settled in the first instance, and then any departure from that would be regulated by the tribunal. I mean that the railway companies should first of all arrange the mode in which they would supply the trucks to the different traders upon the line; there would not be the least difficulty in doing this.

4653. You say the other railways do so?—They do, according to the quantities to be sent by the different coal-owners.

4654. You are complaining of a difference at the present moment between the practice of the Great Northern and the practice of other railways in your neighbourhood?—I do; I should be quite satisfied if the Great Northern would adopt the same system as the York, Newcastle, and Berwick. I say, without any disparagement to Mr. Clarke, whom I believe to be very competent for his business, that Mr. Thomas Harrison, who is the manager of the York, Newcastle, and Berwick, has had more experience in coal traffic than any other manager of a railway, and I am satisfied with his system.

4655. But in order to secure to coal proprietors the full advantages to which you consider them entitled, it would be requisite that there should be some power, not merely of requiring the same charge under the same circumstances, but also of ensuring the same circumstances; that is, of providing that trucks should be furnished at convenient times, and at reasonable charges; and, in short, of meeting in the last resort every artifice by which a skilful manager might endeavour to defeat the objects of the coal-owners?—Certainly, I do; I think if the tribunal is appointed, railway companies would very soon come to some satisfactory arrangement,

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ment, and then, as to the continual supply of trucks to the different collieries, the tribunal would have no further control until some departure from that arrangement took place by the railway company favouring one more than another.

4656. No two sets of circumstances are exactly identical. There are two collieries near one another, whose circumstances may be substantially the same, yet their local position is not identical; the number of tons they raise is not identical; their circumstances colorably, if not really, differing from each other; the tribunal of which you speak must be competent to deal, and must deal, with all those colorable differences?—I think that would be necessary.

4657. In short, it must be in the last resort an arbitrary power?—I think it should exercise a control, and be empowered to enforce it.

4658. If their control be fettered by any legal or technical rule of any kind, the ingenuity of railway managers would defeat it?—The tribunal would have to act on certain principles; and it should have legal authority to enforce the performance of its decisions. Railway companies are necessarily entrusted with very great power, and there is really no tribunal to resort to in case of disputes. With reference to the Great Northern, the distance of the collieries from each other, and all those minute circumstances, scarcely enter into the question, because there are other lines of railway intervening between the Great Northern and the collieries.

4659. Although the Great Northern is taken as an instance, the question refers to general legislation?—Certainly; but in the arrangement of those railways which do communicate with the collieries, there is really no difficulty in establishing a system which would do justice to every individual, although the circumstances are variable in each and every case.

4660. Then you are of opinion that it is a legal question whether this arbitrary power should in such and such a case be set in motion at all; but when set in motion, it must condescend to very minute particulars in order to meet every evasion which might be tried to fetter the enforcement of that legal principle?—Parliament having permitted railway companies to become the exclusive carriers on their respective lines for the transmission of goods and minerals, I think that some tribunal is necessary to which the trader and parties upon the line can appeal in case of grievances. They cannot go to a court of law; I doubt that such a course is open to them. I think the time has arrived when some tribunal should be instituted in which the traders on the line and the parties interested in the transmission of traffic should be heard; of course it is a difficult question to say how that tribunal should be constituted, or what power should be given to it; that is a matter of very serious consideration. And in arriving at that opinion, I have not done so with any view of fettering railway companies; on the contrary, I think it might tend very much to the more peaceable, certainly to the more equitable transmission of the traffic, and, I think, not to the injury of the railway company.

4661. The question whether a particular trade or a particular individual has now got fair play, is one thing, and the question of what detailed remedy shall be given in order to secure him fair play, is another thing. The first is a legal question; the second is a practical one. The first question, therefore, is fit for legal investigation; but the second, in your opinion, requires the intervention of an arbitrary power?—I have some doubts whether in the case of a refusal to supply trucks, or in the arrangements which railway companies may think proper to enter into with reference to trucks, or in conducting the traffic, however injurious or partial it may be to individuals, that such cases could be brought before a legal tribunal at the present time.

4662. The first question is, has a particular trade or a particular individual fair play; that is one question. That is a question as perfectly competent to be tried as other legal disputes are tried. Then comes the question, how is fair play to be ensured to that trade or that person; that is a question of complicated detail, beyond the reach of a legal tribunal?—I doubt whether at present any legal tribunal can take cognizance of the complaints about trucks, and irregularities in the transmission of traffic; and if there is not, it is the more necessary that there should be some tribunal to which an appeal can be made; but if there was, I think it is necessary that some tribunal should be appointed to which the trader could have access, in complaints of technical detail and arrangement.

4663. In short you think, if possible, Parliament should provide for the free intercourse of goods and passengers between the different systems of railway?—I do; I think that the amalgamation of railways is beneficial to the public. I could point out many cases where small lines of railway have not been able to

conduct the traffic with that benefit which has been done when those small lines are amalgamated with others. As far as the general principle is concerned, I think the amalgamation of railways is well worthy the encouragement of the Legislature, and ought to be adopted; but then I think when that is done, giving railways such power, and enabling them to convey goods and minerals at a cheaper rate, they should submit to some tribunal to insure impartiality and certainty to the traders and the parties sending traffic along those lines.

4664. Mr. *E. Denison.*] Do you think that railway companies, and individuals, should have direct access to that tribunal, or that, first, a question should be raised in a court of law, whether there is good ground for going to that tribunal?—I think the parties should have direct access to the tribunal. I think the very fact of the appointment of such a tribunal would do away with a great many of the complaints we now have.

4665. *Chairman.*] Would not the exercise of these powers involve a material effect upon the finances of some of these companies?—No, I think not. I think, so far as the dues are concerned, that should be left entirely to the railway companies, only to see that they are strictly impartial.

4666. But of course you would give to the tribunal the power of at once putting an end to such a system as that which Mr. Clarke has described as being the system of the Great Northern Company?—Certainly I should, because I think it inconsistent with the principles on which railway companies hold their charters of incorporation.

4667. To Mr. *Clarke.*] Would the abandonment of the system which you have described be any serious injury to your company?—No, but it would to the public, because it would increase the price to the public.

4668. To Mr. *Wood.*] What it comes to is this, that you have coal which you will sell either in the London market, or anywhere else where you have free transit; York, amongst other places, for 1*s.* a ton dearer than the coal which is purchased by the Great Northern at 8*s.* 6*d.*; but the Great Northern will not take it, and thereby, practically, you are excluded from access to any place which the Great Northern has the means of access to?—That is the fact; I only wish to have access to the consumer.

4669. Mr. *E. Denison.*] Have you any further evidence you wish to give?—I only wish to say, that the observations I have made with reference to my own coal, apply to all the other proprietors of South Durham coal. I have only mentioned my own case with a view of saving the time of the Committee, but it applies to other coals as well as my own.

4670. Have you anything further to add to the evidence which you have already given in regard to amalgamations?—I have not; except that I think amalgamations, with a proper check over them, are beneficial to the public; Mr. Clarke mentioned something about a combination of coal-owners. I admit we had a meeting at York, at which I was chairman, and a question was raised at that meeting as to what the price of coals should be, in consequence of an increased rate of wages having been given to the men, and the increased cost of materials; and it was considered that an advance of 6*d.* a ton was a very fair advance. There is no combination whatever amongst the coal-owners, inasmuch as this meeting was comprised of South Durham coal-owners, Yorkshire coal-owners; the coal-owners sending coals up the Great Northern Railway, and the coal-owners who did not send any coals on that railway.

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Appendix, No. 1.

PAPER delivered in by *J. Locke*, Esq., M. P., 15 April 1853. Appendix, No. 1.

EXTRACT from the Short-hand Writer's Notes of Proceedings before the Committee of Peers on the Wilts, Somerset, and Weymouth Railway Bill, Wednesday, 18 June 1845, the Lord *Kenyon* in the Chair.

Chairman.] BEFORE I declare what the determination of the Committee is, I wish to state this—The Committee have felt very considerable difficulty, on account of the probability that may exist as to a question being likely to arise with regard to making any such line to Falmouth as the best interests of the country may require, and they are exceedingly anxious to have an assurance, that in the event of such a measure being proposed for the general benefit of the country, no impediment will be offered to it by the company whose Bill is before the Committee. I do not know whether the counsel or parties think fit, or are in a condition, to give such assurance, but it is fit that the counsel should know, and that the public should know, that the Committee are strongly of opinion that it would have been more desirable on public grounds on the whole, that the line should not have gone down to Weymouth, but that the other part of the line should have passed, inasmuch as greater facilities would then have been afforded for making a line to Falmouth; and, therefore, the Committee wish to have an assurance that such a line would not be impeded by their giving their consent to this Bill. Is it possible for the counsel to give any answer at all upon this point, or perhaps they would like to retire and consider the matter?

Mr. *Slade.*] It would certainly be a charity to us if your Lordships would allow us to retire for a few minutes.

Mr. *Rowe.*] I may state, on the part of those who are opposing the Bill, that in truth the character of our opposition has been mitigated altogether by the belief that this Bill was for the accommodation of the country, and was not put forward as a competing scheme with the great scheme to which your Lordships have alluded. Believing from the opening of my friend Mr. Austin, that this was a line for the accommodation of the country, we have not made that substantial opposition which we should have made if we had been treated as a competing line.

Chairman.] But we will not lose the opportunity of the Promoters giving such assurances as they think themselves enabled to give; and therefore, if you please, you may withdraw at present.

Mr. *Rowe.*] I only mention it as a justification of the course we have taken.

Chairman.] Nothing could be more satisfactory.

[The Counsel and Agents for the Promoters consult.]

Chairman.] Are we likely to have any communication soon?

Mr. *Austin.*] I was out of the room, my Lord, at the time, and was asking my clients for instructions, for I feel some little difficulty in understanding the position of the parties. I am sure the Committee will forgive me if I inform them that I really do not quite understand the proposal made to us, for we had no evidence in the course of these proceedings with respect to any line to Falmouth. I am not aware that Falmouth has been mentioned in the whole course of the inquiry, and I feel it difficult to know in what language to answer the suggestion made by the noble Chairman.

Chairman.] The word Falmouth has not been introduced during the evidence, or during the discussions at all, but it has been a matter which has created great difficulty in the minds of the Committee, and they wish to urge that as a matter on which they ought to ascertain the feelings and the disposition of the Great Western Railway Company, from whom difficulties might arise as to effecting an object of such great national importance. They wish to have an assurance from them that no difficulty will be thrown by them in the way of carrying out so great an object.

Appendix, No 1.

Earl *Cadogan.*] I, as one of the Committee, do certainly feel that there is a considerable objection in my mind—an objection which I am not in circumstances to take effectually—but there is a strong objection in my mind, arising from the Great Western Company having taken possession of this line immediately across the country, and possessing themselves, in a manner, of all the advantages that the contiguity of that line affords in the way of traffic and everything else between the line of the Great Western and the sea, and in my opinion, very much to the detriment of that Western line, which, whether proposed or not, must eventually be carried into effect. The word Falmouth being used was only inasmuch as it might be supposed to be almost the terminus west of any great line; but the line comprised in this Bill does intersect the whole line of country between the point of departure from the great trunk-line of the Great Western Railway to the sea-side, and therefore it was that the Committee, and I for one, did feel that it would be desirable to know whether any assurance could be given that that line being so occupied, especially between Frome and Weymouth, would offer any particular, or, in short, if they could afford us anything like a satisfactory assurance that they would not interfere with the great national project which must eventually be carried into execution between that point and the west of England.

Mr. *Austin.*] We really are not aware, my Lord, of any such project. There is no company formed of that kind. We do not know whether such a project is *in petto* or not. If there should be such a project, we do not know whether it may be detrimental to the Great Western line, or to these lines now before your Lordships, or what objects the Promoters of such a Bill may have in view.

Chairman.] You are not bound to give us any assurance. We wish to do it entirely from friendly feelings.

Mr. *Austin.*] Standing here as counsel for the Promoters of the Bill, my endeavour is to divine to what effect my answer to any question put by your Lordships may have upon the Bill now pending. Of course it is my duty to give a cautious and proper, and at the same time an explicit answer to your Lordship's question, but at the same time to prevent the least danger to the Bill, and all I want to know is, what course I should take for that purpose. If I rightly understood what has been said by the Noble Lord, I should beg to request your Lordships not to put a company applying to your Lordships for powers under an Act of this description under terms wholly unprecedented. I am asked, if I understand your Lordships correctly, to give some assurance that the powers which we seek under this Bill shall not be used hereafter to defeat a possible project. I never heard of such a project; when I say I never heard of it, I have been speaking to my clients, and nobody here knows of any project of that description. What I know about Falmouth is simply this, and I will tell it you in all frankness. I have been counsel for a Bill in this Session of Parliament, which has not yet arrived in this House, for making a railway from Plymouth to Falmouth, which Bill I have no doubt will receive the sanction of your Lordships' House. There is a project for a line between the Metropolis and Falmouth that I know of. I know there was one called the Central Cornish Line, which line was endeavoured to be set up in opposition to the Bill to which I have been alluding before a Committee of the other House, which Committee was presided over by Mr. Macaulay; that project wholly failed. The other project was a project from Exeter, but it was a project not before Parliament, for it had totally failed before it came to be considered by the House of Commons. I am at a loss, therefore, to know what sort of answer to give in reference to any possible scheme from the Metropolis to Falmouth, or any other point; I really do not know in what way to frame an answer.

Chairman.] I beg to explain to you that the question which I put to you by the desire of the Committee was simply on account of the view entertained by the Committee of the great national importance of any such project, and they wish to know whether by agreeing to the Bill now under their consideration they will create any impediment with regard to such a measure, or whether they could have the assurance of this very great and powerful company that, so far as they are concerned, it will not be their endeavour to prevent such a measure from being brought forward. If the Committee had such an assurance, it would tend, of course, to lessen the apprehensions which they now entertain as to the consequences of passing this Bill.

Mr. *Rowe.*] My friend, Mr. Austin, has stated that he was counsel in the House of Commons in that matter of the Cornwall Railway. I had the honour to appear on the other side, and I state advisedly, that that Cornwall Central Railway will be brought before a Committee of your Lordships' House within the next fortnight as a substantial matter; on technical grounds alone it was that that line was not considered by the Lower House; but I state on my responsibility as counsel that every proceeding is being taken to bring that line before your Lordships' House within the next fortnight; and I can tell your Lordships that there is a large and substantial committee at present formed for carrying a line through Yeovil to Exeter, and if my friend is not aware of it I give him that piece of information.

Earl *Lovelace.*] I think I understood both Mr. Austin and Mr. Slade, in the course of their observations alluding to the possibility of the direct line—the red line as it is upon the map—to say they had no sort of objection to the promoters of that line bringing it forward

forward the next Session. Now we should like to convert that into something like an assurance. Appendix, No. 1.

Mr. *Austin.*] What I said, my Lord, was simply in arguing upon the question of the admissibility of a certain line as a competing line; that a line running in a different direction, and accommodating a different line of traffic, could not be considered as competing with the present line, and, for the same reason, I apprehend that the present line cannot be considered as a competing line with that. I know that the Noble Earl would not for a moment wish to convert into an admission on my part an hypothesis merely stated in the way of argument. We were not then dealing with facts; what we were then discussing was, whether my friend should be admitted as a competing line.

Mr. *Cockburn.*] Your Lordship's view might be carried out by a clause.

Mr. *Austin.*] I understand the Noble Earl simply to ask the question of me. All I want to know is, what I can say, to what I can consent. I do not know what consent to give, or what answer to make.

Chairman.] That we cannot suggest to you. I merely wished to point out to you what is the feeling of the Committee, and what are the grounds on which we put that question to you.

Earl *Cadogan.*] There has been a competing line; that competing line has conceded to the other line. Circumstances have occurred to put a great deal of power into the Great Western Company, and we are only fearful lest that should in any way influence them in preventing what we conceive to be actually necessary; that is, that a communication between Salisbury and Yeovil, the red line,* should eventually be carried out as connected with its further progress west. That is the sort of feeling that the Committee have, and I do not hesitate to tell the learned counsel that, as far as my opinion is concerned, if the red line had stood as a competing line, I should decidedly have given the preference to that line.

Earl *Lovelace.*] And so should I.

Earl *Cadogan.*] I think, after that statement, the learned counsel can come a little nearer to our intentions without calling upon us to define more correctly what our meaning is. I think I have given you the best clue I can to what is our meaning. We cannot ask you, "Will you pledge yourselves to make a line from Salisbury to Yeovil?" that, of course, we could not do; but we can throw out such insinuations as may enable you perfectly to understand how you may satisfy our wishes.

Mr. *Austin.*] The matter I fully admit is a great deal cleared by what the Noble Lord has just said. Instead, therefore, of the words which my Lord Kenyon used in the first instance "from London to Falmouth—"

Chairman.] I do not think I distinctly said from London to Falmouth; I said "to Falmouth."

Mr. *Austin.*] I beg your Lordship's pardon, it was my mistake; may I therefore understand the question as being put in this form, instead of "to Falmouth," from "Salisbury to Yeovil?"

Chairman.] No, only as a portion.

Earl *Lovelace.*] We are by no means interested in the line from Salisbury to Yeovil, except as a part of the line.

Chairman.] It is with a view to Falmouth that we are interested.

Mr. *Austin.*] I have no hesitation whatever in making this answer, and it seems to me, upon turning the thing over in my mind as well as I can, that it is the only answer that can be given to the question, I have no hesitation in saying, and the Promoters of this Bill have no difficulty in saying, that the line now under your Lordships' consideration shall not be set up hereafter to defeat a line to Falmouth. Is that an answer to your Lordship's question?

Chairman.] It is an answer to a considerable extent, certainly.

Mr. *Cockburn.*] Will your Lordship allow me to suggest—?

Mr. *Austin.*] I understand their Lordships to be dealing with me, and with the Promoters of this Bill.

Chairman.] Exclusively.

Mr. *Cockburn.*] There is an *arrière pensée.*

Mr. *Austin.*]

* The red line laid down on the plan before their Lordships was the projected line from Salisbury to Yeovil (part of the complete scheme about to be submitted to Parliament from Basingstoke by Salisbury, Yeovil, and Exeter to the Land's End).

Appendix, No. 1.

Mr. *Austin.*] I do not know what *arrière pensée* can be found in the answer I have given to your Lordships: I have been turning in my mind whether I ought to add, "as a competing line." I do assure your Lordships I feel great difficulty in answering the question. It appears to me we cannot talk of it as a competing line, for they deny that it is a competing line.

Chairman.] You, as representing the Great Western Railway Company, are the representative of that company, not only as respects this particular line, but generally; therefore you are applied to in that capacity as a great monster, very harmless, like an elephant.

Mr. *Austin.*] A very useful monster, like the elephant, and like the mammoth in its time. I do assure your Lordships I have endeavoured to give an explicit answer. I am perfectly prepared, on behalf of the Promoters of these lines, to say that this line shall not be set up to defeat any such line as your Lordship has described: and if your Lordships think it at all advantageous to the strength of that answer, I will add the words "as a competing line," that is either east, or west, or north, or south.

Mr. *Cockburn.*] I do not know whether my lips are sealed.

Chairman.] I think nobody else ought to interfere. It is merely a question put by the Committee to the representatives of the Great Western Railway Company. You have no more to say, Mr. Austin.

Mr. *Austin.*] What has been said has been taken down, I observe, by the short-hand writer, and your Lordship can have recourse to his notes.

Earl *Cadogan.*] I think it fair to state that whatever observations we may think proper to make, with regard to this point which the Noble Chairman has raised, and which I follow him in, will be repeated to the House when we report upon the Bill. What we have stated to you we shall state to the House; with reference to the point which has been raised, I think the interest of the Great Western should have ceased at Yeovil, and I think you might have afforded to that part of the country every facility of communication with London without taking possession of, or crossing that line of country through which a railway communication east and west must hereafter exist.

Mr. *Austin.*] It was with that very view that I made the statement I did, that the promoters of this Bill are perfectly ready to state now, and if you please, to have it put upon your Report to the House,* that they will not use these powers to defeat such a line. I do assure your Lordships that I try to state this as explicitly as I can.

Chairman.] You are behaving most candidly, as you always do. I do not think the Committee would be justified in requiring any further declaration. Before I state the determination of the Committee I will just read what I have written down as a rough declaration on the part of the Committee, and which has received the unanimous approbation of the Committee:—"In making their Report the Committee feel it their duty to state, that the great difficulty with them on deciding on the Bill referred to them has arisen from the fear they entertain that, in allowing the Great Western Railway to come down to the sea at Weymouth, or even below Yeovil, they may not be creating a difficulty as to making a railway in the most desirable manner to Falmouth, the most western point in the Channel," and that will be accompanied by the statement of Mr. Austin. And now I have to state to the parties that the Committee have determined that the Preamble of the Bill has been proved.

Mr. *Cockburn.*] I have been silent, my Lord, until it was announced by the Noble Chairman that the Committee have decided the Preamble to be proved, but now, as counsel for landowners petitioning against the Bill, will your Lordships give me leave to submit to your consideration the propriety of embodying that which your Lordships seem disposed to report to the House in a clause which shall be binding and conclusive on this company? My Lords, this is not without precedent. I hold in my hand a Bill for making and maintaining a railway from Dublin to Kilkenny which contains such a clause.

Chairman.] I think, with all deference to you as a lawyer, the introduction of such a clause gives no real security, whatever it may appear to give. If people are inclined to act dishonestly, means will be taken to effect the same thing in a different way, therefore I do not see any great advantage that would result from the insertion of such a clause.

Chairman.]

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* The following is an extract from the Report presented to the House:

"*Twentieth.*—That in making their Report the Committee feel it their duty to state, that the great difficulty with them in deciding on the Bill referred to them has arisen from the fear they have entertained, whether, in allowing the Great Western Railway to come down to the Sea at Weymouth, or below Yeovil, they may not be creating a difficulty as to making a railway in the most direct and desirable manner to Falmouth, the most western port in the Channel. But they have received from the promoters of the Wilts, Somerset, and Weymouth Railway Company an assurance that the extension of the line to Weymouth shall not be set up hereafter to defeat a direct line from London to Falmouth, as expressed below through Mr. Austin, counsel for the Bill.

"The promoters of the Wilts, Somerset, and Weymouth Railway Company are willing to assure the Committee that the extension of the line to Weymouth shall not be set up hereafter to defeat a direct line from London to Falmouth."

Mr. *Cockburn.*] I will just read the clause, if your Lordship pleases; it is the 11th clause —" Provided always, and be it further enacted," &c. [*reads the clause*]; so that your Lordship sees there was there not merely a report of the Committee, but an actual legislative enactment, preventing them setting up any of the ordinary parliamentary grounds of opposition to the line. Appendix, No. 1.

Chairman.] The Committee will consider what you have suggested.

Mr. *Austin.*] I have a very great objection to any clause of the sort, and I trust your Lordships will not put any clause of that kind into any English Bill. In order that there may be no difficulty as to the terms of my answer, I have put it into writing. I am quite willing that your Lordships should add this, "and the promoters of the Wilts, Somerset, and Weymouth Railway Company are willing to assure the Committee that the extension of the line to Weymouth shall not be set up hereafter to defeat a direct line from London to Falmouth.

Chairman.] You are rather reducing yourself from your character of elephant. You speak of the Promoters of this Bill.

Mr. *Austin.*] They are the only parties before your Lordships.

Earl *Lovelace.*] They may be succeeded by the Great Western Company under this Act.

Mr. *Cockburn.*] There are powers to be exercised by them under this Act.

Mr. *Austin.*] To the extent, then, of those powers the Great Western Company is included in that answer. That is the only answer I can make, and the only answer your Lordships can receive.

Mr. *Cockburn.*] The Great Western are not the Promoters, but they acquire certain rights nd powers.

Chairman.] I really think we have got a very candid and as enlarged an answer as we could expect.

Mr. *Austin.*] Therefore, as the shortest way of putting an end to further discussion, perhaps your Lordships will order the room to be cleared.

Chairman.] The Counsel and parties will withdraw.

Appendix, No. 2.

PAPERS delivered in by the Right Hon. the Lord Advocate, 25 April 1853.

High Court 1848.

Indictment against *Hugh Heugh M'Lure, George Simmie,* and *Richard Baird.* Appendix, No. 2.

Hugh Heugh M'Lure, civil engineer, now or lately residing in Dumfries, and formerly resident engineer on the Dundee and Perth Railway; George Simmie, railway inspector, now or lately residing in Alloa; and Richard Baird, now or lately superintendent of the Dundee and Perth Railway, and now or lately residing in Dundee, you are indicted and accused, at the instance of Andrew Rutherfurd, Esq., Her Majesty's Advocate for Her Majesty's interest: that albeit, by the laws of this and of every other well-governed realm, culpable homicide; as also, culpable or reckless neglect of duty by any person employed in the construction of a railway, or of the works thereof, for conveyance of passengers, or in the superintendence and charge of the working, by locomotive engines, of a railway for conveyance of passengers, whereby any of the lieges are bereaved of life, or are injured in their persons, are crimes of an heinous nature, and severely punishable: yet true it is and of verity, that you the said Hugh Heugh M'Lure, George Simmie, and Richard Baird are, all and each, or one or more of you, guilty of the said crimes, or of one or more of them actors or actor, or art and part.

Appendix, No. 2.

HIGH COURT 1850.

INDICTMENT against *Thomas Henderson, George Langlands,* and *John Williams.*

THOMAS HENDERSON, now or lately shipmaster, and now or lately residing in Glasgow; George Langlands, now or lately mariner, and now or lately residing in Glasgow; and John Williams, now or lately mariner, and now or lately residing in Liverpool, you are indicted and accused, at the instance of Andrew Rutherfurd, Esq., Her Majesty's Advocate for Her Majesty's interest; that albeit, by the laws of this and of every other well-governed realm, culpable homicide; as also, the culpable and reckless neglect of duty by any officer or mariner employed or engaged on board of a ship, whereby the ship is wrecked and any of the lieges are bereaved of life; as also, the culpable and reckless neglect of duty by any officer or mariner employed or engaged on board of a ship, whereby any of the lieges who have embarked on board of said ship are bereaved of life, or have their lives exposed to imminent danger, are crimes of an heinous nature, and severely punishable: yet true it is and of verity, that you the said Thomas Henderson and John Williams are, both and each or one or other of you, guilty of all and each, or one or more of the crimes above libelled; and you the said George Langlands are guilty of both and each or one or other of the crimes first and third above libelled; actors or actor, or art and part.

PERTH, APRIL 1850.

INDICTMENT against *Robert Murray.*

ROBERT MURRAY, now or lately railway engine driver, and now or lately residing at or near James' Park, in or near Dundee, you are indicted and accused, at the instance of Andrew Rutherfurd, Esq., Her Majesty's Advocate for Her Majesty's interest: that albeit, by the laws of this and of every other well-governed realm, culpable homicide; as also, culpable neglect of duty by a person in charge of a locomotive engine upon a railway, whereby any of the lieges are bereaved of life, or seriously injured in their persons, and put in danger of their lives, are crimes of an heinous nature: and severely punishable: yet true it is and of verity, that you the said Robert Murray are guilty of both and each or one or other of the said crimes, actor, or art and part.

HIGH COURT, 1851.

INDICTMENT against *James Cardell, John Galletly, John Fulton,* and *James Brown.*

JAMES CARDELL, now or lately engineman or labourer in the employment of the Edinburgh and Glasgow Railway Company, and now or lately residing at Cowlairs, in or near Glasgow; John Galletly, now or lately guard in the employment of the Scottish Central Railway Company, and now or lately residing in Reform-place, Perth; John Fulton, now or lately station-porter in the employment of the Edinburgh and Glasgow Railway Company, and now or lately residing at Bishopbriggs, in the parish of Cadder, and county of Lanark; and James Brown, now or lately engineman or labourer in the employment of the Edinburgh and Glasgow Railway Company, and now or lately residing in Margaret-street, Glasgow, you are indicted and accused, at the instance of Andrew Rutherfurd, Esq., Her Majesty's Advocate for Her Majesty's interest: that albeit, by the laws of this and of every other well-governed realm, culpable homicide; as also, culpable neglect of duty by a person employed on a railway, whereby any of the lieges are killed or injured in their persons, are crimes of an heinous nature, and severely punishable: yet true it is and of verity, that you the said James Cardell, John Galletly, John Fulton, and James Brown, are, all and each, or one or more of you, guilty of the said crimes, or one or other of them, actors or actor, or art and part.

HIGH COURT, 1853.

INDICTMENT against *William Lyall* and *Alexander Ramsay.*

WILLIAM LYALL, now or lately superintendent of the goods department of the North British Railway Company at Edinburgh, and now or lately residing at or near the goods station of the North British Railway at Edinburgh, and Alexander Ramsay, now or lately foreman porter in the employment of said North British Railway Company, and now or lately residing in or near Amphion-place, in or near Edinburgh, you are indicted and accused, at

at the instance of James Moncreiff, Esq., Her Majesty's Advocate for Her Majesty's interest: that albeit, by the laws of this and of every other well-governed realm, culpable homicide, as also culpable neglect of duty by any person employed on a railway, in consequence whereof any person is killed or injured, are crimes of an heinous nature, and severely punishable; yet true it is and of verity, that you the said William Lyall and Alexander Ramsay are, both and each, or one or other of you, guilty of the said crimes, or of one or other of them, actors or actor, or art and part, in so far as you the said William Lyall being, time hereinafter libelled, employed upon the North British Railway, as superintendent of the goods department of the said railway at Edinburgh, and station-master there in the said goods department, or in some similar capacity; and you, the said Alexander Ramsay, being then employed upon the said railway as foreman porter or day pilot-guard at the Edinburgh station of the said railway, or in some similar capacity, and it being the duty of both and each, or one or other of you, to attend to the starting of all goods trains, regular and irregular, from the Edinburgh station of the said railway, and to the removal of any trucks or waggons, loaded or unloaded, which required to be removed from the said station to any other station, or to any junction or siding of the said railway, and to see and take care that no goods train was started and sent off from the said Edinburgh station, and that no trucks or waggons, loaded or unloaded, were sent off therefrom to any other station, or to any junction or siding of the said railway, at such a time as to endanger the safety of any regular passenger train, and of the lieges travelling therein, leaving Edinburgh at or about a fixed and advertised hour well known to both and each of you, and of the persons in charge of such goods train, trucks, or waggons; yet nevertheless, on the 8th day of October 1852, or on one or other of the days of that month, or of September immediately preceding, or of November immediately following, you the said William Lyall and Alexander Ramsay did, both and each, or one or other of you, in culpable violation or neglect of your duty above libelled, order and direct, or at least permit and allow a goods train, consisting of 18, or thereby, trucks or waggons, partly loaded and partly empty, drawn by a locomotive engine, in charge of John M'Donald, then and now or lately residing at or near Jock's Lodge, in the parish of South Leith, and county of Edinburgh, as engineman, and of Stewart Ogilvie, now deceased, then or recently before residing in or near Amphion-place, North Back of Canongate, Edinburgh, as guard, to depart from the said Edinburgh station, travelling eastward upon the north line of rails of the main line of the said North British Railway, at or about 45 minutes past five o'clock in the afternoon, or at least within 15 minutes, or thereabouts, of the time advertised for the starting of the mail and passenger train after mentioned, the object being as you well knew, to deposit some of the trucks or waggons forming the said train at an offset or siding at or near Portobello, and some thereof upon the Leith junction of the said North British Railway, or to deposit the whole thereof at one or other of these places; and this you did, it being well known to both and each of you, that a regular mail and passenger train from Edinburgh to Berwick was advertised to start, and probably would start, from the said Edinburgh station at 55 minutes past five o'clock in the afternoon of the said day, travelling eastward upon the said north line of rails of the main line, and it being dangerous to the safety of the said mail and passenger train, and of the lieges travelling therein, and also of the persons in charge of the said goods train, to allow the said last-mentioned train to depart, travelling upon the same line of rails, so shortly before the starting of the said mail and passenger train, the more especially as trucks or waggons from the said goods train were intended to be deposited at Portobello and the Leith Junction, or one or other of these places as aforesaid; and the said mail and passenger train having started from the said Edinburgh station at or about 55 minutes past five in the afternoon of the said day, or within a few minutes of that time, the said train did overtake and come up to the foresaid goods train, or part thereof, at or near the said Portobello station, and did run into or against, and come into violent contact and collision therewith; and in consequence of the said collision Stewart Ogilvie aforesaid was mortally injured, and immediately or soon thereafter died; and John Fernie, now or lately engine-driver in the employment of the North British Railway Company, and now or lately residing at Berwick, and then acting as engineman to the foresaid mail and passenger train; John Anderson, then and now or lately stoker or fireman in the employment of the said North British Railway Company, and now or lately residing at Berwick, and then acting as stoker or fireman to the foresaid mail and passenger train; John Wood, then and now or lately a guard in the employment of the said North British Railway Company, and now or lately residing at Berwick, and then acting as guard to the foresaid mail and passenger train; and John Scougal, then and now or lately merchant in Leith, and residing at Brunton-place, London road, Edinburgh; and Thomas Buchanan Campbell, then and now or lately metal-merchant, Picardy-place, Edinburgh, and residing in Pilrig-street, Edinburgh; and Elizabeth Spink or Campbell, his wife, and William Spink Campbell, his son, both residing with him; all passengers in the said mail and passenger train, were seriously injured in their persons, and they and the whole other passengers in the said train were thrown into a state of great fear and alarm; and the said collision, and the fatal and injurious consequences thereof, are and were attributable, wholly or to a considerable extent, to the culpable neglect of duty above libelled, or part thereof, by you the said William Lyall and Alexander Ramsay, or one or other of you; and thus the said Stewart Ogilvie was culpably killed by you, or one or other of you; and you the said William Lyall and Alexander Ramsay having been apprehended and taken before John Thomson Gordon, Esq., advocate, sheriff of Edinburghshire, did, each of you respectively, in his presence at Edinburgh, on the 10th day of October 1852, emit and subscribe a declaration:

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ration: which declarations, being to be used in evidence against each of you the said William Lyall and Alexander Ramsay respectively, by whom the same were emitted at your trial, as also a book, titled "North British Railway—Rules and Regulations to be observed by the Enginemen, Firemen, Guards, Porters, Gatemen, Pointsmen, Platemen, and others working on this line—April 1846," or having a similar title; as also, another book having a similar title; as also, a plan or sketch, bearing to be docquetted or marked, "Edinburgh, 20 October 1852, Henry J. Wylie," or having a similar docquet or marking; as also, a book or pamphlet, titled "Time Tables of the North British Railway, October 1852," or having a similar title; as also, a handbill or notice, titled "North British Railway, Goods and Coal Train Time Table, on and after 6 November 1850," or having a similar title; as also, a book, titled "Order Book, North British Railway," or having a similar title; as also, a medical report or certificate, bearing to be dated "Edinburgh, 9 October 1852," and to be subscribed, "John G. M. Burt, M.D.," or to be similarly dated and subscribed; as also, a medical report or certificate, bearing to be dated "Berwick, Sunday evening, 10 October 1852," and to be subscribed, "Robert C. Fluker, surgeon;" as also, a book, kept in the month of October 1852, in which the time of the departure of goods trains from the station of said railway at Edinburgh is entered, being to be used in evidence against both and each of you, the said William Lyall and Alexander Ramsay, at your trial, will, for that purpose, be in due time lodged in the hands of the clerk of the High Court of Justiciary, before which you, the said William Lyall and Alexander Ramsay are to be tried, that you may respectively have an opportunity of seeing the same: all which, or part thereof, being found proven by the verdict of an assize, or admitted by the respective judicial confessions of you, the said William Lyall and Alexander Ramsay, before the Lord Justice-General, Lord Justice-Clerk, and Lords Commissioners of Justiciary, you, the said William Lyall and Alexander Ramsay ought to be punished with the pains of law, to deter others from committing the like crimes in all time coming.

G. Young, A. D.

List of Witnesses.

1. John Thomson Gordon, Esquire, advocate, sheriff of Edinburghshire.

2. Maurice Lothian, procurator-fiscal of Edinburghshire.

3. John Buchanan, now or lately a clerk in the sheriff-clerk's office in Edinburgh.

4. Angus Falconer, now or lately a sheriff-officer in Portobello, in the county of Edinburgh.

5. Charles McDonald, now or lately a stoker in the employment of the North British Railway Company, and now or lately residing with Helen Drummond or Blair, at Dickson's Park, Jock's Lodge, in the parish of South Leith, and county of Edinburgh.

6. Andrew Whitecross, now or lately pointsman at the Hawick Junction of said railway, near Portobello aforesaid, and residing there.

7. Andrew Harper, now or lately guard in the employment of said railway company, and now or lately residing at the station of said railway at Portobello aforesaid.

8. Alexander Bayne, now or lately residing at Mount Pleasant, Joppa, near Portobello aforesaid.

9. John Mushet, now or lately clerk to Anderson and Patterson, house-agents, Queen's-ferry-street, of Edinburgh, and now or lately residing in or near William-street, of Edinburgh.

10. Bernard Barker, a broker, now or lately residing with his father, Patrick Barker, a broker, in or near Cowgate, of Edinburgh.

11. Robert Low, now or lately a porter in the employment of the said railway company, and now or lately residing at the station of said railway at Portobello aforesaid.

12. John Scougal, now or lately a merchant in Leith, and now or lately residing at Brunton-place, London-road, of Edinburgh.

13. David Ross, a chimney-sweeper, now or lately residing with Margaret Mason or Ross, in or near High-street, of Portobello aforesaid.

14. William Taylor, now or lately a surfaceman, in the employment of said railway company, and now or lately residing at Easter Duddingston, in the county of Edinburgh.

15. William Hay, a carter, now or lately residing with Robert Johnston, a brickmaker, in or near Pipe-street Lane, High-street, of Portobello aforesaid.

16. Joseph Shepherd, a chimney-sweeper, now or lately residing in or near Tower-street, of Portobello aforesaid.

17. Alexander

17. Alexander Grassick, a labourer, now lately residing in or near Pipe-street of Portobello aforesaid.

18. John Waish, now or lately foreman of the surfacemen at the station of said railway at Portobello aforesaid, and now or lately residing in or near Portobello aforesaid.

19. Peter McKay, now or lately a surfaceman on said railway, and now or lately residing in or near Portobello aforesaid.

20. James Anderson, now or lately a surfaceman on said railway, and now or lately residing in or near Portobello aforesaid.

21. James Kennedy, now or lately a surfaceman on said railway, and now or lately residing in or near Portobello aforesaid.

22. Robert Thornton, practical engineer, now or lately residing in or near North Bridge-street of Edinburgh.

23. George Berry, merchant in Leith, now or lately residing at Rosefield Cottage, Portobello aforesaid.

24. Andrew McClure, now or lately station-master at Edinburgh, of the Edinburgh and Glasgow and North British Railways, and now or lately residing in or near Canal-street, of Edinburgh.

25. Thomas Buchanan Campbell, now or lately metal-merchant in or near Picardy-place, of Edinburgh, and now or lately residing in or near Pilrig-street, of Edinburgh.

26. William Spink Campbell, now or lately assistant to, and residing with the said Thomas Buchanan Campbell.

27. Henry Cheyne, writer to the Signet, residing in Edinburgh.

28. Charles Trotter, Esquire, of Woodhill, Perthshire, now or lately residing in Regent-terrace, in or near Edinburgh.

29. Lieutenant-Colonel George Augustus Underwood, now or lately residing in or near Charlotte-square, of Edinburgh.

30. James Nairne, now or lately Secretary to the North British Railway Company, and now or lately residing in or near Henderson-row, of Edinburgh.

31. Henry Chayter, now or lately vice-chairman of the North British Railway Company, and now or lately residing at Croft, Darlington, England.

32. Thomas Kenworthy Rowbotham, now or lately general manager of the North British Railway, and now or lately residing at Smeaton Park, Inveresk, in the county of Edinburgh.

33. William Hardie, now or lately goods manager of the North British Railway, and now or lately residing in or near Gayfield-place, of Edinburgh.

34. John Anderson, now or lately stoker in the employment of the North British Railway Company, and now or lately residing in or near Berwick-upon-Tweed.

35. John Wood, now or lately a guard in the employment of the North British Railway Company, and now or lately residing in or near Berwick-upon-Tweed.

36. John Fernie, now or lately an engineer in the employment of the North British Railway Company, and now or lately residing in or near Berwick-upon-Tweed.

37. Henry Johnstone Wylie, civil engineer, residing in or near Bellevue Crescent, in or near Edinburgh.

38. John Graham McDonald Burt, physician in Edinburgh.

39. Robert C. Fluker, now or lately a surgeon in Berwick-upon-Tweed.

40. James Calder, sometime pointsman or telegraph-keeper, in the employment of the North British Railway Company, or now or lately residing at or near Hillhousefield, near Leith.

41. John Weir, pointsman or telegraph-keeper, now or lately stationed at the Calton Tunnel, and now or lately in the employment of the said North British Railway Company.

G. Young, A. D.

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LIST OF ASSIZE.

City of Edinburgh.

Special Jurors.

Robert Aitken, wholesale tea and coffee dealer, Buccleuch-place.
John Scott, comb-manufacturer, Haddington-place.
John Boyd, upholsterer, York-place.
George Wood, music-seller, East Claremont-street.
John Forest, clerk, National Bank, Salisbury-place.
Alexander M'Farlane, grocer, East Preston-street.
Thomas Fairgrieve, chemist and druggist, Rankeillor-street.
John Blackwood Caw, goldsmith, Hill-square.

Common Jurors.

Oswald Pagan, spirit-dealer, Lady Lawson's Wynd.
Robert Gray, cabinetmaker, Greenside-street.
James Scott, baker, East Adam-street.
John M'Gregor, tobacco-manufacturer, Roxburgh-place.
John Campbell, shawl-manufacturer, Thistle-street.
Charles Macfarlane, carver and gilder, Queensferry-street.
James Dickson, cabinetmaker, Ladyfield-place.
Robert Clarke, surveyor, Gardner's Crescent.
John Cunningham, assistant librarian, Signet Library, Athol-place.
Thomas Dods, wood-merchant, Merchant-street.
Thomas Hobday, junior, postmaster, Thistle-street.
Frederick Steven Sansome, silk-mercer, Forres-street.
Morris Archibald, spirit-merchant, Parkside-street.
Alexander Brown, joiner, Fountainbridge.
William Lawson, silk-dyer, Broughton-street.
Robert Turnbull, linen-draper, Buccleuch-place.

Town of Leith.

Special Jurors.

William Simson Young, merchant, Bank House.
Alexander Brown Bain, spirit-merchant, Cables Wynd.

Common Jurors.

Robert Findlay, flesher, Bridge-street.
Lawrence Paterson, merchant, Bernard-street.
Robert Campbell, spirit-dealer, Giles-street.
William Millar, grocer, Cables Wynd.

County of Edinburgh.

Special Jurors.

Thomas Pringle, farmer, Garvald.
John Gulland, farmer, Monktonhall.

Common Jurors.

William Davie, wright, Woolmet Mains.
Robert Borthwick, baker, Mid-Calder.
James Lamb, grocer and spirit-dealer, Bonnyrig.
Henry Widnell, junior, carpet-manufacturer, Hillhead.

County of Linlithgow.

Special Juror.

Andrew Morton of Bickertonhall.

Common Jurors.

James Prentice, baker, Linlithgow.
Robert Wauch, farmer, Heatherfield.
John M'Laren, land-steward, Hopetoun House.

County

COUNTY OF HADDINGTON.

Special Jurors.

John Lees, farmer, Marvingston.
James Christie, farmer, Hailes.

Common Jurors.

Thomas Pow, flesher, Prestonpans.
Alexander Miller, wright, Saint Lawrence House.
45 James Buchanan, grocer, Athelstaneford.

HIGH COURT, 1853.

INDICTMENT against *John M'Donald, Thomas Wilson,* and *John Hogarth.*

JOHN M'DONALD, engine-driver or engine-man, now or lately in the employment of the North British Railway Company, and now or lately residing at or near Jock's-lodge, in the parish of South Leith, and county of Edinburgh; Thomas Wilson, now or lately in the employment of the said North British Railway Company, as agent or station-master at the Portobello Station of the North British Railway; and John Hogarth, now or lately in the employment of the said North British Railway Company, as a porter at the said Portobello Station; you are indicted and accused, at the instance of James Moncrieff, Esq., her Majesty's Advocate for her Majesty's interest: that albeit, by the laws of this and of every other well-governed realm, culpable homicide; as also, culpable neglect of duty, by a person employed on a railway, in consequence whereof any person is killed or injured, are crimes of an heinous nature, and severely punishable: yet true it is and of verity, that you the said John M'Donald, Thomas Wilson, and John Hogarth, are, all and each, or one or more of you, guilty of the said crimes, or one or other of them, actors or actor, or art and part: in so far as you the said John M'Donald being, time hereinafter libelled, employed upon the North British Railway as an engineman; you the said Thomas Wilson being then employed upon the said railway as station-master or agent at the Portobello Station of said railway, or in some similar capacity; and you the said John Hogarth being then employed upon the said railway as a porter at the said station, or in some similar capacity; and you being, all and each of you, duly informed of your respective duties, and of the rules and regulations applicable to the said railway, and the working thereof, and in particular of the rules and regulations engrossed in a book, titled "North British Railway. Rules and Regulations to be observed by the Enginemen, Firemen, Guards, Porters, Gatemen, Pointsmen, Platemen, and others, working on this line: April 1846," or having a similar title, which book is docqueted with reference to your respective declarations hereinafter libelled, or at least it being the duty of all and each of you, duly to inform yourselves of your respective duties, and of said rules and regulations; and it being farther the duty of you the said Thomas Wilson, not only to make yourself familiar with the said rules and regulations, and to act up to the same yourself, but also to see and take care that the same were acted up to by the servants of the North British Railway Company, under your immediate control, or within your reach; and on the 8th day of October 1852, or on one or other of the days of that month, or of September immmediately preceding, or of November immediately following, a goods train, consisting of 18, or thereby, trucks or waggons, partly loaded and partly empty, drawn by a locomotive engine, which was driven by, and in charge of, you the said John M'Donald, as engineman, travelling eastward upon the north line of rails from Edinburgh, or some place west of Portobello, having arrived and stopped upon the said north line of rails, at or near the said Portobello Station, about 55 minutes past five o'clock in the afternoon, and at all events within 15 minutes or thereabouts of the time of the expected arrival at the said station of the mail and passenger train after mentioned; and it being the duty of you the said John Hogarth, immediately on the arrival of the said goods train, to present the signal at the fixed station signal, situated at the westmost side of the said Portobello Station, for the purpose of stopping any train or engine travelling towards Portobello from the west, and to continue to do so until the said goods train was taken off the main line, or at least until the said line was clear and safe for the passage of any train or engine travelling from the west; and it being the duty of you the said Thomas Wilson to see and take care that the said signal was so presented and continued to be presented, and a careful attention to, and performance of, your said respective duties being the more incumbent and imperative upon you both, inasmuch as it was well known to both and each of you that a regular mail and passenger train from Edinburgh to Berwick was advertised to start, and probably would start, from the terminal station at Edinburgh of the said North British Railway, at or about 55 minutes past five o'clock in the afternoon of the said day, and ought to reach, and probably would reach, the Portobello Station, travelling upon the same line of rails upon which the foresaid goods train had stopped about six o'clock in the

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the said afternoon, or shortly thereafter; yet, nevertheless, you the said Thomas Wilson and John Hogarth did, both and each of you, culpably neglect and omit to perform your said respective duties, you the said John Hogarth culpably neglecting and omitting, duly and timeously, to present the said signal, and to continue to present the same, until the said line was clear and safe for the passage of any train or engine travelling from the west, and you the said Thomas Wilson culpably neglecting and omitting to see and take care that the said signal was so presented and continued to be presented; and it being the duty of you the said John M'Donald, you being well aware of the time of starting from Edinburgh of the said mail and passenger train as above libelled, to move the said goods train, in your charge as engineman, off the said north line of rails at the said Portobello Station, and in the event of there being no offset or siding at said station sufficiently long to hold the same, it being your duty to proceed therewith to the first offset or siding which would hold the same clear of the main line, and there to place and keep your said train, until after the passing of the foresaid mail and passenger train; and it being the duty of you the said Thomas Wilson to see and take care that the foresaid goods train was taken off the said line, and detained until after the foresaid mail and passenger train should have passed, and, in the event of there being no offset or siding at the Portobello Station sufficiently long to hold the said goods train, then, and in that case, it being your duty to allow it to pass or to send it off, giving instructions to the engineman to take it off the line at the first offset or siding which would hold it clear of the main line, and there to remain until after the passing of the foresaid mail and passenger train, or, at all events, it being the duty of both and each of you to take immediate and effectual measures for clearing the line, so that the foresaid mail and passenger train might pass in safety, you the said John M'Donald and Thomas Wilson did, nevertheless, both and each of you, culpably neglect and omit to perform your said respective duties, and did culpably neglect and fail to take any proper means for clearing the line, and rendering the same safe for the passage of the foresaid mail and passenger train, which you knew ought to reach, and probably would reach, the said Portobello Station, at or about six o'clock, or shortly thereafter; and the said mail and passenger train having started from the foresaid terminal station at Edinburgh, at or about 55 minutes past five in the afternoon of the said day, or within a few minutes of that time, the said train did, on arriving at or near the said Portobello Station, run into or against, and come into violent contact and collision with, the foresaid goods train, or part thereof, or the engine or tender attached or belonging thereto, which engine or tender had, prior to the arrival of the said mail and passenger train, been transferred from the eastmost to the westmost end of the said goods train, or part thereof; and in consequence of the said collision Stewart Ogilvie, then or recently before in the employment of the said North British Railway Company as a porter, or in some similar capacity, and then acting as guard of said goods train, and then or recently before residing in or near Amphion-place, North Back of Canongate, Edinburgh, was mortally injured, and immediately or soon thereafter died; and John Fernie, now or lately engine-driver in the employment of the North British Railway Company, and now or lately residing at Berwick, and then engaged in driving the engine attached to the foresaid mail and passenger train; John Anderson, then and now or lately stoker or fireman in the employment of the said North British Railway Company, and now or lately residing at Berwick, and then engaged as stoker or fireman to the foresaid mail and passenger train; John Wood, then and now or lately a guard in the employment of the said North British Railway Company, and now or lately residing at Berwick, and then engaged as guard to the foresaid mail and passenger train; and John Scougal, then and now or lately merchant in Leith, and residing at Brunton-place, London-road, Edinburgh; and Thomas Buchanan Campbell, then and now or lately metal-merchant, Picardy place, Edinburgh, and residing in Pilrig-street, Edinburgh; and Elizabeth Spink, or Campbell, his wife; and William Spink Campbell, his son, both residing with him; all passengers in the said mail and passenger train, were seriously injured in their persons, and they and the whole other passengers in the said train were thrown into a state of great fear and alarm; and the said collision, and the fatal and injurious consequences thereof, are and were attributable, wholly or to a considerable extent, to the culpable neglect of duty, above libelled, or part thereof, by you the said John M'Donald, Thomas Wilson, and John Hogarth, or one or more of you, and thus the said Stewart Ogilvie was culpably killed by you, or one or more of you; and you the said John M'Donald having been apprehended and taken before John Thomson Gordon, Esq., advocate, sheriff of Edinburghshire, did, in his presence at Edinburgh, on the 9th day of October 1852, emit and subscribe a declaration; and you the said Thomas Wilson and John Hogarth having been apprehended and taken before the said Thomson Gordon, Esq., did, each of you respectively, in his presence at Edinburgh, on the 21st day of February 1853, emit and subscribe a declaration; which declarations, being to be used in evidence against each of you the said John M'Donald, Thomas Wilson, and John Hogarth respectively, by whom the same were emitted at your trial; as also the book above libelled, titled, "North British Railway—Rules and Regulations to be observed by the Enginemen, Firemen, Guards, Porters, Gatemen, Pointsmen, Platemen, and others working on this line—April 1846," or having a similar title; as also another book having a similar title; as also, a plan or sketch, bearing to be docqueted or marked "Edinburgh, October 20th 1852, Henry J. Wylie," or having a similar docquet or marking; as also a book or pamphlet, titled "Time Tables of the North British Railway, October 1852," or having a similar title; as also, a handbill or notice, titled "North British Railway, Goods and Coal Train Time Table on and after November 6, 1850," or having a similar title; as also, a book, titled "Order Book, North British Railway," or having a similar

similar title; as also, a medical report or certificate, bearing to be dated "Edinburgh, 9 October 1852," and to be subscribed "John G. M. Burt, M.D.," or to be similarly dated and subscribed; as also, a medical report or certificate, bearing to be dated "Berwick, Sunday evening, 10 October 1852," and to be subscribed "Robert C. Fluker, surgeon;" as also, a book kept in the month of October 1852, in which the time of the departure of goods trains from the station of said railway at Edinburgh is entered, being to be used in evidence against all and each of you the said John M'Donald, Thomas Wilson, and John Hogarth, at your trial, will, for that purpose, be in due time lodged in the hands of the Clerk of the High Court of Justiciary, before which you are to be tried, that you may respectively have an opportunity of seeing the same: All which, or part thereof, being found proven by the verdict of an assize, or admitted by the respective judicial confessions of you the said John M'Donald, Thomas Wilson, and John Hogarth, before the Lord Justice-General, Lord Justice-Clerk, and Lords Commissioners of Justiciary, you the said John M'Donald, Thomas Wilson, and John Hogarth, ought to be punished with the pains of law, to deter others from committing the like crimes in all time coming.

G. Young, A.D.

List of Witnesses.

1. John Thomson Gordon, Esq., advocate sheriff of Edinburghshire.
2. Maurice Lothian, procurator-fiscal of Edinburghshire.
3. John Buchanan, now or lately a clerk in the sheriff-clerk's office in Edinburgh.
4. Angus Falconer, now or lately a sheriff-officer in Portobello, in the county of Edinburgh.
5. Charles M'Donald, now or lately a stoker in the employment of the North British Railway Company, and now or lately residing with Helen Drummond or Blair, at Dickson's Park, Jock's Lodge, in the parish of South Leith, and county of Edinburgh.
6. Andrew Whitecross, now or lately pointsman at the Hawick Junction of said railway, near Portobello aforesaid, and residing there.
7. Andrew Harper, now or lately guard in the employment of said railway company, and now or lately residing at the station of said railway at Portobello aforesaid.
8. Alexander Bayne, now or lately residing at Mount Pleasant, Joppa, near Portobello aforesaid.
9. John Mushet, now or lately clerk to Anderson and Paterson, house-agents, Queen's-ferry-street of Edinburgh, and now or lately residing in or near William-street of Edinburgh.
10. Bernard Barker, a broker, now or lately residing with his father, Patrick Barker, a broker, in or near Cowgate of Edinburgh.
11. Robert Low, now or lately a porter in the employment of said railway company, and now or lately residing at the station of said railway at Portobello aforesaid.
12. John Scougal, now or lately a merchant in Leith, and now or lately residing at Brunton-place, London Road of Edinburgh.
13. David Ross, a chimney-sweeper, now or lately residing with Margaret Mason or Ross, in or near High-street of Portobello aforesaid.
14. William Taylor, now or lately a surfaceman in the employment of said railway company, and now or lately residing at Easter Duddingston, in the county of Edinburgh.
15. William Hay, a carter, now or lately residing with Robert Johnston, a brickmaker, in or near Pipe-street-lane, High-street of Portobello aforesaid.
16. Joseph Shepherd, a chimney-sweeper, now or lately residing in or near Tower-street of Portobello aforesaid.
17. Alexander Grassick, a labourer, now lately residing in or near Pipe-street of Portobello aforesaid.
18. John Walsh, now or lately foreman of the surfacemen at the station of the said railway at Portobello aforesaid, and now or lately residing in or near Portobello aforesaid.
19. Peter M'Kay, now or lately a surfaceman on said railway, and now or lately residing in or near Portobello aforesaid.
20. James Anderson, now or lately a surfaceman on said railway, and now or lately residing in or near Portobello aforesaid.
21. James Kennedy, now or lately a surfaceman on said railway, and now or lately residing in or near Portobello aforesaid.
22. Robert Thornton, practical engineer, now or lately residing in or near North Bridge-street of Edinburgh.
23. George Berry, merchant in Leith, now or lately residing at Rosefield Cottage, Portobello aforesaid.
24. Andrew M'Clure, now or lately station-master at Edinburgh of the Edinburgh and Glasgow and North British Railways, and now or lately residing in or near Canal-street of Edinburgh.
25. Thomas Buchanan Campbell, now or lately metal-merchant in or near Picardy-place, of Edinburgh, and now or lately residing in or near Pilrig-street of Edinburgh.

Appendix, No. 2.

26. William Spink Campbell, now or lately assistant to, and residing with, the said Thomas Buchanan Campbell.

27. Henry Cheyne, writer to the Signet, residing in Edinburgh.

28. Charles Trotter, Esq., of Woodhill, Perthshire, now or lately residing in Regent-terrace, in or near Edinburgh.

29. Lieutenant-colonel George Augustus Underwood, now or lately residing in or near Charlotte-square of Edinburgh.

30. James Nairne, now or lately secretary to the North British Railway Company, and now or lately residing in or near Henderson-row of Edinburgh.

31. Henry Chayter, now or lately vice-chairman of the North British Railway Company, and now or lately residing at Croft, Darlington, England.

32. Thomas Kenworthy Rowbotham, now or lately general manager of the North British Railway, and now or lately residing at Smeaton Park, Inveresk, in the county of Edinburgh.

33. William Hardie, now or lately goods manager of the North British Railway, and now or lately residing in or near Gayfield-place of Edinburgh.

34. John Anderson, now or lately stoker in the employment of the North British Railway Company, and now or lately residing in or near Berwick-upon-Tweed.

35. John Wood, now or lately a guard in the employment of the North British Railway Company, and now or lately residing in or near Berwick-upon-Tweed.

36. John Fernie, now or lately an engineer in the employment of the North British Railway Company, and now or lately residing in or near Berwick-upon-Tweed.

37. Henry Johnstone Wylie, civil engineer, residing in or near Bellevue Crescent, in or near Edinburgh.

38. John Graham M'Donald Burt, physician in Edinburgh.

39. Robert C. Fluker, now or lately a surgeon in Berwick-upon-Tweed.

40. James Calder, sometime pointsman or telegraph-keeper in the employment of the North British Railway Company, or now or lately residing at or near Hillhouse-field, near Leith.

41. John Weir, pointsman or telegraph-keeper, now or lately stationed at the Calton Tunnel, and now or lately in the employment of the said North British Railway Company.

G. Young, A. D.

LIST OF ASSIZE.

City of Edinburgh.

Special Jurors.

Robert Aitken, wholesale tea and coffee dealer, Buccleuch-place.
John Scott, comb-manufacturer, Haddington-place.
John Boyd, upholsterer, York-place.
George Wood, music-seller, East Claremont-street.
John Forrest, clerk, National Bank, Salisbury-place.
Alexander M'Farlane, grocer, East Preston-street.
Thomas Fairgrieve, chemist and druggist, Rankeillor-street.
John Blackwood Caw, goldsmith, Hill-square.

Common Jurors.

Oswald Pagan, spirit-dealer, Lady Lawson's Wynd.
Robert Gray, cabinetmaker, Greenside-street.
James Scott, baker, East Adam-street.
John M'Gregor, tobacco-manufacturer, Roxburgh-place.
John Campbell, shawl-manufacturer, Thistle-street.
Charles Macfarlane, carver and gilder, Queensferry-street.
James Dickson, cabinetmaker, Ladyfield-place.
Robert Clarke, surveyor, Gardner's-crescent.
John Cunningham, assistant librarian, Signet Library, Athol-place.
Thomas Dods, wood-merchant, Merchant-street.
Thomas Hobday, jun., postmaster, Thistle-street.
Frederick Steven Sansome, silk-mercer, Forres-street.
Morris Archibald, spirit-merchant, Parkside-street.
Alexander Brown, joiner, Fountainbridge.
William Lawson, silk-dyer, Broughton-street.
Robert Turnbull, linen-draper, Buccleuch-place.

TOWN OF LEITH.

Special Jurors.

William Simson Young, merchant, Bank House.
Alexander Brown Bain, spirit-merchant, Cables Wynd.

Common Jurors.

Robert Findlay, flesher, Bridge-street.
Lawrence Paterson, merchant, Bernard-street.
Robert Campbell, spirit-dealer, Giles-street.
William Millar, grocer, Cables Wynd.

COUNTY OF EDINBURGH.

Special Jurors.

Thomas Pringle, farmer, Garvald.
John Gulland, farmer, Monktonhall.

Common Jurors.

William Davie, wright, Woolmet Mains.
Robert Borthwick, baker, Mid-Calder.
James Lamb, grocer and spirit-dealer, Bonnyrig.
Henry Widnell, jun., carpet-manufacturer, Hillhead.

COUNTY OF LINLITHGOW.

Special Juror.

Andrew Morton of Bickertonhall.

Common Jurors.

James Prentice, baker, Linlithgow.
Robert Wauch, farmer, Heatherfield.
John M'Laren, land-steward, Hopetoun House.

COUNTY OF HADDINGTON.

Special Jurors.

John Lees, farmer, Marvingston.
James Christie, farmer, Hailes.

Common Jurors.

Thomas Pow, flesher, Prestonpans.
Alexander Miller, wright, St. Laurence House.
James Buchanan, grocer, Athelstaneford.

Appendix, No. 3.

PAPER delivered in by Captain *J. M. Laws*, 22 April 1853.

Appendix, No. 3.

Captain *Galton*'s REPORT, and the Observations of the Lords Committee of Her Majesty's Privy Council for Trade, having been forwarded to me for any remarks I may have to make, for the information of the Board, I beg to state that, on the 20th and 21st January, I examined the following Witnesses in reference to the Collision near Chorley.

ABEL ELLISON, the driver of the passenger train from Preston to Manchester, has been seven years in this company's service and that of the North Union Company as an engine-driver; takes the five o'clock train alternate evenings; and on the evening of the 18th January did so, leaving Preston as near as possible to the time, passing Leyland, Farringdon, and Euxton without interruption or caution signal. On passing the brick bridge, near the east end of the short tunnel, saw the tail light of the cattle train, at that time from one to two hundred yards a-head; shut off his steam, pulled over his reversing lever, and whistled for the guard to break; the tender-break was on, and thinks he was going about 12 miles an hour when he struck the cattle train. He was running about 30 miles an hour when he first saw the tail light of the cattle train; was asked whether he was looking out for the cattle train; his reply was, he was not thinking particularly of the cattle train.

Edward Livesey, guard of the passenger train, states that they were not more than a minute late on starting from Preston; kept up a good speed all the way, and it was about 18 minutes past five when the collision took place; looked at his watch immediately after, which then showed 19 minutes. Ellison, the driver, came and told him to go back, while he was getting his signals to do so; it was after getting his signals out of the van that he looked at his watch. Was at his break, and had it strapped on, when the collision took place; saw the red light at the tail of the cattle train, when his train, engine and two carriages had passed under the bridge; did not hear Ellison whistle nor shut off his steam; could not say what speed they were going on after he had put his break on, but they had run their usual speed up to the bridge.

Thomas Ryan, driver of the cattle train, states, that he left Preston 35 minutes after four, and that he came at a good speed to Euxton; thinks about 20 miles an hour; believes he was not going less than 15 miles an hour after he passed Euxton, and thinks he was not going less than 10 miles an hour at any time; he neither saw nor heard anything behind him, but felt his engine slip forward, in consequence of the draw-bar of the waggon next his tender having drawn out; the first guard of his train having come on to the engine to assist in sanding the rails, in getting up the embankment, and through the curves. He afterwards stated he did slip on the bank where they were run into; he could have jumped off his engine at the time they were run into.

Thomas Sunter, fireman to Ryan, corroborates generally the foregoing witness, as when the passenger train touched them, he only felt it as if it was an assistant engine up the bank; a few strokes afterwards the draw-bar broke in the next waggon to the tender, and they hooked the side chains, and were starting again before they heard the drivers shouting out to stop, which was the first they knew of any damage being done to the last waggons in the train.

John Ouston, guard of the cattle train, was sent from Bolton to Preston to bring his train to Manchester; on his arrival there he found William Parker, another extra guard, at Preston, whom he placed in the last waggon, and himself went on to the engine to assist in sanding the rails, should the engine slip in going up the Farrington and Chorley banks; believes they were 35 minutes from the time they left Preston to the time of the collision; and just before it occurred Ryan looked at his watch, when it was 16 minutes past five; two goods porters, and two platelayers at the Leyland station state that the cattle train had passed between 15 and 20 minutes before the passenger train.

Mr. *Thornley*, clerk, in charge at Euxton, states that he noticed the time the cattle train passed the junction, and saw the passenger train pass when it was 15 minutes pass 5; took particular notice of both trains; they were travelling at a moderate rate when they passed the station.

W. Parker, extra guard of the cattle train, at 4.40 p.m., states his attention was drawn to the passenger train by hearing the beat of the engine, which caused him to look round, when he saw the engine just coming round the curve. He did not hear him whistle, and did not notice whether he did or not, from the small interval there was between his first seeing the head lamp and the collision.

On

On receiving the first report of this collision, it appeared to me evident that one or both of two causes produced it, viz., the disregard by the passenger engineman of clause 20, page 22 of the General Instructions for Enginemen, of either running before time, or not keeping a vigilant look-out; or that on the part of the guard and engine-driver of the cattle train of the rule of the signal No. 6, page 13; the investigation, so far as my opinion guides me, confirms that conviction. Had Abel Ellison not been before time, he would not have overtaken the cattle train until he found it in the siding at Chorley; had he been "keeping a vigilant and cautious look-out," there was ample time for him to have pulled up his train short of that before him, a proof of which of the most conclusive character was given in the presence of Captain Galton on the ground; after the examination of which, and the re-examination of the witnesses already referred to, we were standing on the bank of the cutting between the place of collision and the bridge, where it was represented it was first seen by Abel Ellison, the engine-driver, and without any previous concert or knowledge, the regular passenger train from Preston to Manchester appeared under the bridge; we moved our hands, the ordinary mode of stopping a train, in the absence of any more regular signals, the engineman shut off his steam, and the guard put on his break, and the tender break was afterwards applied, and the train was brought up some yards short of the spot where the collision took place, without any reversal of the engine. A fact, that looking at the gradients, and the position altogether, can be demonstrated at any time. With regard to the neglect by the guard on the cattle train in not complying with signal 6, page 13, the evidence is not so direct or so easily demonstrated as that in the previous case, although from the most direct and credible evidence, it appears by that adduced in the case of Station-master Thornley, at Euxton, and T. Ryan, the driver of the cattle train, both of whom had particularly noted the time, that there was an interval of 21 or 22 minutes between the cattle train passing the Euxton Junction, at a moderate speed, and that of the time of collision, the distance being $2\frac{1}{2}$ miles; and judging by the speed they were passing Euxton (the cattle train) that they would have run the half mile in about two minutes, say 15 miles an hour, they must have been from 19 to 20 minutes going the other two miles, or six miles an hour on the average; and as they admitted they had been slipping a good deal in the tunnel, a distance of about 86 or 100 yards, and so detained them for five minutes; and being perfectly aware of the time, it is evident that there would have been no difficulty on the part of John Ouston, the guard, dropping off the engine, and putting his detonators, as directed, on the rail, to warn the coming train, which he seems improperly to have neglected; and when Ryan, the engine-driver, looked at his watch, he observed, that "they should just about do it," meaning to comply with the general regulations of getting into the siding at Chorley (the only one between Euxton and that point) in time to allow the passenger train to pass, having then four minutes to run the half mile, and get into the siding before the passenger train was due. These conclusions being drawn from the evidence, it will now be for the Board to consider the recommendation of Captain Galton, which he has given in so much more distinct a manner than is usually received from the inspecting officers of the Board of Trade, and, consequently, more demanding the immediate attention of the Board. He says, first, "The only modes by which an accident of this description could be avoided, would be to work the line for trains passing between Euxton and Chorley by the electric telegraph, and not allow one train to pass Euxton till the previous train has reached Chorley." Secondly, "To appoint a signal man at or near the tunnel, to signal trains passing within 10 minutes of each other." Thirdly, "To work the line by means of a pilot engine, which should hook on in front of every train going up the incline; this method would have the advantage of giving assistance to the trains over the slippery part of the line near the tunnel." Opinions so defined, from such high authority, make me feel extreme diffidence upon offering any remark upon them, otherwise than a recommendation of the immediate fulfilment of one or other of them; but before doing so, it is my duty to draw the attention of the Board to the fact of the uncertain effect of the telegraph already in use at several parts of the line, for the purpose of telegraphing passing trains, with that degree of accuracy and certainty contemplated. We frequently find, when an isolated telegraph is established, that the person in charge of it may be remiss in his observations and ability to keep it in working order, and the replacing them is generally attended with no better result; a thunder storm on telegraphs, even kept in most regular use for commercial purposes, where the attention of the signal-man is drawn directly to the subject, either by a personal interview between the sender of the message, or the alarm bell, in charge of one well versed in both the use and repair of the instrument, often fails for many minutes, and even half an hour and more; under which circumstances, I fear casualties would arise by the detention, and consequent accumulation of trains at a point like the Euxton Junction, which might be found to involve far more danger and obstruction to the traffic of the line than seems to be contemplated by Captain Galton. The second proposition of Captain Galton is, "to have a signal-man night and day to watch the entrance to this short tunnel, and to signal any train passing within 10 minutes of a previous one." This proposition, I submit, is one on which, where necessary, is much more to be relied upon than that of the first. The third proposition is, "a pilot engine to be hooked on in front of every train going up the incline," which I infer from Captain Galton's remarks, seems to have advantages over the other two; but to conform to this, I think it is necessary for the Board, first, to consider that the gradient of 1/137 is better than two others, between Preston and Chorley, of 1/100, and very much better than gradients that frequently occur on a journey of 10 miles, on almost every part of their line of 300 miles; and I am not aware

Appendix, No. 3.

that the open cutting and short tunnel referred to, differs with regard to the slippery or other state of the rails from that of any other tunnel or deep cutting, both of which are very numerous on various parts of the Lancashire and Yorkshire Railway, and to which their locomotive engines and loads are necessarily adapted; and therefore, supposing the Board will feel it necessary to carry out the recommendation of the Lords Commissioners of Her Majesty's Privy Council for Trade and Foreign Plantations, which, if desirable, in the case of the Chorley Bank, will be equally so in at least 40 other places worked by the Lancashire and Yorkshire Railway, the result of which would be that a line, for many hours in the day considerably crowded, would have on the descending gradient an addition of what would be equal to double the number of trains that are now passing upon it, by the empty engine having to return to the foot of the bank, and cross from one line to the other at each end of the process; that has been already fearfully demonstrated as one involving danger. Wishing to refrain as much as possible from comments on gentlemen holding so distinguished positions, and more particularly from the remarks of their Lordships necessarily founded on them, I would only add to these observations, that I am sorry the Board has not the advantage of equally definite opinions from the same high authority with regard to the mode of working more safely their luggage, coal, and ballast trains. With respect to Captain Galton's remark, that the guard sent with the cattle train was not provided with a watch, which he appears to think necessary to have carried out the 22d regulation for engine drivers, and 11th for guards, he seems to have been unaware that there were two guards, one being actually on the engine, assisting in sanding the rails, when the engine was slipping, and did remind him of the time, which was noted by the engineman as being 16 minutes after five, one minute before the collision took place, and then leaving him four minutes to run the half mile he was distant from the siding between Euxton and Chorley, viz., at that station. Captain Galton further supposes, that there are no regulations among the inspectors or station-masters for shunting goods trains wherever such are considered necessary to ensure safety; such regulations do exist, and when a passenger train is due within five minutes, every luggage train is shunted wherever a siding exists. Captain Galton might have seen the special order at the Euxton station for that, more particularly for trains coming up the ascending lines, either towards Bolton or Wigan,* and the directions to which he refers, is introduced into the enginemen's regulations, for conducting luggage and local trains: "That he, without reference to the guard, must avail himself of any siding, whether at a station or not, to get out of the way of a passenger train." Were he to wait for such instructions from a guard of a coal or luggage train, he could not do so without impeding the means at his disposal, and of which he is a better judge than the guard of such trains, which do not stop at stations or sidings, except the place of their known destination, and for the purpose of getting out of the way of passenger trains, whereas the guards of the passenger trains on a line like the Lancashire and Yorkshire, have rarely a distance of more than three or five miles to run without stopping at a station, or slackening at a junction. With much uncertainty of what they may have to receive, or what they may have to leave at any station, the train is properly, and necessarily under the direction of the guard as to starting and moving from a station, with a discretionary power to the engineman to stop between stations, should he suppose that damage or danger might occur to the train from proceeding.

With these remarks, I have the honour to be

Yours, &c.

(signed) *Jno. M. Law.*

Manchester, 16 April 1853.

(Copy) * Memorandum.

Mr. Thornley, Salford Station, 12 January 1850.

You will inform your pointsman at the junction not to take any notice of any order they may receive from any one but yourself, which order or instructions will come through me, and that in future no goods or coal train must be allowed to pass that point of junction within 20 minutes of an express train being due, and 10 minutes of a stopping train.

(signed) *H. Blackmore.*

Appendix, No. 4.

PAPERS delivered in by *J. J. Peel*, Esq., 2 May 1853.

MEMORANDUM of an AGREEMENT between the London and North Western Company, of the first Part, and the Shrewsbury and Birmingham Railway, of the second Part. Appendix, No. 4.

THE agreement for the lease of the Birmingham, Wolverhampton, and Stour Valley line, which has been already prepared, is to be carried into effect with regard to the main line and the Stourbridge and other proposed extensions.

The Stour Valley Company and the Shrewsbury and Birmingham Company being jointly and equally interested in the Wolverhampton station and the land required for the same, and the line up to the point of divergence hereinafter mentioned—It is now agreed that all questions between the two parties hereto, as to the mode of acquiring, constructing and using that station and the line between that station, and the point of divergence of the Stour Valley line to Bushbury from the Shrewsbury line, and the land necessary for the same, shall be settled by Mr. Robert Stephenson between the parties. Each party paying one-half of the necessary outlay, shall have the full use, jointly with the other party, of such station and line, and the works connected therewith.

In case of difference Mr. Stephenson shall also settle the terms of the deed of arrangement now proposed between the Stour Valley Company and the Shrewsbury and Birmingham Company, as to the said station and the land required for the same.

In consideration of the above, and as a further consideration for the use of such station and line, the London and North Western Company will pay to the Shrewsbury and Birmingham Company a rent in perpetuity of *

The station and the line to the point of divergence as aforesaid, to be under the management of a joint committee of three directors of each company, who shall superintend the making of the same, and fix upon such uniform rates for passengers and goods as shall, as nearly as can be estimated, leave, after the payment of all maintenance and working expenses, for equal division between the Shrewsbury and Birmingham and the London and North Western Companies, such annual amount as shall be equivalent to pay interest at not less than 6 *l.* per cent. on the capital expended in the construction of the station and the above portion of the line; and any difference of opinion in such joint committee shall, in case of need, be referred to the Commissioners of Railways, or an umpire to be appointed by them; the scale of rates above-mentioned to be fixed by Mr. Robert Stephenson forthwith in case of difference, and to be variable according to the different classes of passengers and goods.

The claim of the Shrewsbury and Birmingham Company against the Stour Valley Company of 33,684 *l.* 8 *s.* 4 *d.* for Parliamentary expenses, is to be allowed and set off against calls due from the Shrewsbury and Birmingham Company.

Dated the 10th day of July 1847.

L. S. London and North Western Railway Company.

L. S. Shrewsbury and Birmingham Railway Company.

* The amount of rent to be fixed by Mr. Robert Stephenson, upon the principle of giving the value of the difference between the amount of ordinary Interest on 50,000*l.*, and Interest under the Stour Valley terms of Lease upon that sum.

Appendix, No. 4.

ARTICLES of AGREEMENT, made this 12th day of October 1847, by and between the Shrewsbury and Birmingham Railway Company, of the one part, and the London and North Western Railway Company and the Shropshire Union Railways and Canal Company, of the other part.

WHEREAS the line of railway in course of formation between Shrewsbury and Wellington is common to the said Shrewsbury and Birmingham Railway Company, and the said Shropshire Union Railways and Canal Company, and is under the direction and control of a joint committee of management: And whereas a bill was introduced into Parliament during the last Session for authorising a lease in perpetuity of the undertaking of the said Shropshire Union Railways and Canal Company to the said London and North Western Railway Company, the same was opposed by the said Shrewsbury and Birmingham Railway Company. And whereas the said Shrewsbury and Birmingham Railway Company agreed to withdraw their opposition to the said Bill on its being mutually arranged and agreed between the said several companies that the covenants and agreements hereinafter contained should be mutually entered into by them on an Act of Parliament being obtained for authorising such lease as aforesaid, or a lease between the same parties of any part of the said undertaking between Shrewsbury and Stafford. And whereas such Act was obtained during the last Session of Parliament. Now, therefore, these presents witness, and it is hereby mutually covenanted, declared, and agreed by and between the said several companies, parties hereto, the said London and North Western Railway Company and Shropshire Union Railways and Canal Company covenanting and agreeing for themselves, for and in respect of their own acts and deeds only, and the said Shrewsbury and Birmingham Railway Company covenanting and agreeing for themselves for and in respect of their own acts and deeds only, and not the one contracting party for the acts and deeds of the other contracting party, as follows; that is to say:—

1stly. That the said Shropshire Union Railways and Canal Company, or the London and North Western Railway Company, shall and will from time to time and at all times hereafter during the continuance of any such lease authorised to be granted by such Act, make and keep a separate and distinct account of all passengers, cattle, luggage, goods, and other matters and things which such companies, or either of them, shall carry or convey from Shrewsbury or Wellington, or from any point between these two places to Rugby, or to any place to the south of or on the London side of Rugby on the line of the London and North Western Railway Company, and also of all passengers, cattle, luggage, goods, and other matters and things which such companies, or either of them, shall carry or convey from Rugby, or from any place to the south of or on the London side of Rugby on the line of the London and North Western Railway Company to Wellington or Shrewsbury, or to any point between those two last-named places, and also a like separate and distinct account of all sum and sums of money which such last-mentioned companies, or either of them, shall receive for the carrying or conveyance of all passengers, cattle, luggage, goods, and other matters and things whatsoever of or respecting which they are to keep such separate and distinct accounts as aforesaid. And the said Shrewsbury and Birmingham Railway Company shall and will in like manner and during the like period make and keep a separate and distinct account of all passengers, cattle, luggage, goods, and other matters and things which such last-mentioned company shall convey or carry from Shrewsbury or Wellington, or from any point between those two places to Rugby, or any place to the south of or on the London side of Rugby upon the line of the said London and North Western Railway Company, or to London either upon the said last-mentioned line, or upon that of any other Company, and a like separate and distinct account of all sum and sums of money which the said Shrewsbury and Birmingham Railway Company shall receive for the carrying or conveyance of such passengers, cattle, luggage, goods, and other matters and things of or respecting which they are to keep such separate and distinct accounts as aforesaid.

2dly. That the said Shropshire Union Railways and Canal Company, or the said London and North Western Railway Company on the one part, and the said Shrewsbury and Birmingham Railway Company on the other part, shall respectively from time to time make out and supply to the other of them a half-yearly account in abstract of all the matters mentioned and comprised in the said first article or clause, which accounts shall be subject to be audited by the respective auditors for the time being of the said hereby contracting companies, and all the accounts mentioned in the first article or clause shall be open at all reasonable times to the inspection of the directors of either of the said contracting companies, or of any persons duly authorised by them, and it shall from time to time be ascertained and determined by the auditors of the said contracting companies how much of the monies by such accounts appearing to have been received shall have been received for or in respect of the distance from Shrewsbury or Wellington, or from any point between those two places to Stafford or Wolverhampton, or from Stafford or Wolverhampton to Shrewsbury or Wellington, or to any point between those two places, and such sum when so ascertained shall be divided between the said Shropshire Union Railways and Canal Company and London and North Western Railway Company as one party, and the said Shrewsbury and Birmingham Railway Company, as the other party in the following proportions; that is to say, six-thirteenth equal parts to the Shropshire Union Railways and Canal Company and London and North Western Railway Company, and the remaining seven-thirteenth equal parts to the Shrewsbury and Birmingham Railway Company, those proportions being considered as substantially

substantially corresponding with the relative lengths of the line of the Shropshire Union Railways and Canal Company from Wellington to Stafford, and the line of the Shrewsbury and Birmingham Railway Company from Wellington to Wolverhampton.

3dly. That during the continuance of any such lease as aforesaid, the said Shropshire Union Railways and Canal Company and London and North Western Railway Company, or either of them, shall not nor will convey or carry any passengers, cattle, luggage, goods, or other matters or things from Shrewsbury or Wellington, or from any point between those two places to any point or place on the line of the Shrewsbury and Birmingham Railway, or the Birmingham, Wolverhampton and Stour Valley Railway, nor use the line of the Shropshire Union Railway by Gnosall or Stafford to compete for any traffic which properly belongs to the Shrewsbury and Birmingham Railway.

4thly. That the agreement hereby come to shall not in any manner be evaded or eluded by either of the contracting parties, nor shall any arrangement, scheme, device, or contrivance be resorted to or attempted for that purpose, and in case any attempt shall be made by either of the contracting parties to evade or elude the arrangement hereby made, or in case any question or dispute shall arise between the contracting parties on the import or construction of these articles or any matter herein contained, the same shall be referred at the request of either of the said companies to the arbitration and determination of Robert Stephenson, Esq., and in case of the death or absence of the said Robert Stephenson, then to the arbitration and determination of an umpire, to be appointed by the Railway Commissioners or other Government Board entrusted with the supervision of railways in case of the said parties hereto, their successors or assigns, not agreeing in the nomination of such umpire.

5thly. Provided always, that notwithstanding anything hereinbefore contained, it shall be lawful for the Shrewsbury and Birmingham Railway Company to determine and put an end to this agreement at any time by giving six calendar months' notice in writing of such their intention to the Shropshire Union Railways and Canal Company, such notice terminating either on the 30th of June or 31st December, whichever of those days shall first happen after the expiration of such six months' notice, and thenceforth this agreement and every clause, matter, and thing herein contained (except in respect of any breach thereof then already committed) shall cease and be at an end. In witness whereof, the said Shrewsbury and Birmingham Railway Company, the London and North Western Railway Company, and the Shropshire Union Railways and Canal Company, have hereunto caused their respective common seal to be affixed, the day and year first above mentioned.

L. S. London and North Western Railway Company.

L. S. Shropshire Union Railways and Canal Company.

L. S. Shrewsbury and Birmingham Railway Company.

Appendix, No. 5.

Appendix, No. 5. PAPERS delivered in by *James Macgregor*, Esq., M.P., and referred to in his Evidence, 6 May 1853, Q. 4158.

(A.)

SUMMARY.

STATEMENT of the Amount of Paid-up CAPITAL of RAILWAYS in the United Kingdom (exclusive of Borrowed Capital and Shares of Railways at Guaranteed Rates of Interest, or Railways leased at fixed Rentals); also, the VALUE of such CAPITALS at the Market Price.

	£.
Capital paid up on 40 English lines - - - - - - - -	111,991,701
„ 9 Scotch „ - - - - - - - -	12,628,668
„ 13 Irish „ - - - - - - - -	7,601,607
Total amount of paid-up capital (exclusive of loans, guaranteed shares, and lines at fixed rentals - - - £.	132,221,976
Decrease on the value of paid-up capital at market price,	
on 40 English lines - - - - - - - - -	19,661,862
on 9 Scotch „ - - - - - - - - -	4,696,387
on 12 Irish „ - - - - - - - - -	660,556
Total decrease on the value of a paid-up capital of 131,771,976 *l.*, of 61 lines in the United Kingdom - £.	25,018,805

STATEMENT of the Amount of BORROWED CAPITAL, as per latest Government Return published (31 December 1851), showing the Average Rate of Interest payable thereon.

		Average Rate of Interest.
On 40 English lines - -	£. 45,567,096 -	£. 4·469
On 9 Scotch „ - -	5,424,075 -	4·693
On 13 Irish „ - -	1,927,477 -	4·938
Total amount of borrowed capital - on 62 lines in Great Britain,	£. 52,918,648	

Paying interest to the amount of 2,386,455 *l.* annually, at an average rate per cent. of 4·509 *l.*

	£.
Amount of interest payable annually on the borrowed capital of 62 lines in Great Britain - - - - - - - - - - - -	2,386,455
Interest, calculated at the rate of 3 per cent. on the amount of borrowed capital - - - - - - - - - - - - -	1,587,560
Annual Amount that would be saved by diminution of 1·509 *l.* in the rate of interest payable - - - - - - - - - £.	798,895

(B.)

STATEMENT of Capital.—English Railways.—Forty Lines (exclusive of Guaranteed Shares, &c.)

RAILWAY.	Mortgage Debt, Dec. 1851.		Amount of Capital Paid up.	Per-centage of present Price on Amount paid up.		Value of Capital at present Price.	Amount of Increase or Decrease in Amount of Capital.	
	Amount.	Average Rate %		Premium.	Discount.		Increase.	Decrease.
	£.		£.	£. s. d.	£. s. d.	£.	£.	£.
Ambergate	- - -	- -	724,778	- -	30 11 9	503,086	- -	221,692
Birmingham and Stour Valley	- - -	- -	760,350	- -	23 7 2	582,745	- -	177,605
Birkenhead Junction	236,000	4·714	1,260,000	- -	22 6 5	978,757	- -	281,243
Bristol and Exeter	1,108,064	4·612	2,000,000	4 - -	- -	2,080,000	80,000	—
Chester and Holyhead	1,084,332	4·555	2,100,000	- -	56 - -	924,000	- -	1,176,000
East Anglian	279,250	5·	764,400	- -	78 - -	168,168	- -	596,232
Eastern Counties	1,121,070	4·544	5,843,000	- -	33 15 -	3,870,988	- -	1,972,012
Eastern Union	592,474	4·963	270,600	- -	8 - -	113,652	- -	156,948
East Lancashire	788,986	4·473	2,217,000	- -	26 - -	1,640,580	- -	576,420
East and West India Docks, &c.	200,000	4·913	600,000	12 - -	- -	672,000	72,000	—
Great Northern	2,281,230	4·759	4,808,225	- -	18 - -	3,942,745	- -	865,480
Great Western	5,673,686	4·369	8,160,000	- -	8 - -	7,507,200	- -	652,800
Lancaster and Carlisle	399,994	4·477	900,000	86 - -	- -	1,674,000	774,000	—
Lancashire and Yorkshire	3,112,819	4·529	5,614,278	- -	23 - -	4,322,994	- -	1,291,284
Leeds Northern	554,013	4·984	920,000	- -	68 - -	294,400	- -	625,600
London and North Western	9,313,736	4·245	20,209,821	20 - -	- -	24,251,785	4,041,964	—
London and South Western	2,115,087	4·385	6,730,633	- -	9 - -	6,124,876	- -	605,757
London and Blackwall	121,900	4·718	1,265,868	- -	18 4 8	1,035,059	- -	230,809
London and Brighton	1,458,037	4·388	4,615,634	3 15 -	- -	4,788,720	173,086	—
Manchester, Sheffield, and Lincoln	2,052,864	4·899	3,322,826	- -	70 - -	996,847	- -	2,325,979
Midland	3,356,419	4·122	9,130,621	- -	25 - -	6,847,966	- -	2,282,655
Newmarket	115,851	3·602	339,925	- -	49 - -	173,362	- -	166,563
Newport, Abergavenny, and Hereford	- - -	- -	555,500	- -	20 - -	444,400	- -	111,100
Norfolk	581,695	4·997	866,250	- -	47 - -	459,113	- -	407,137
Northern Counties Union	- - -	- -	210,000	- -	85 14 3	30,003	- -	179,997
North British	907,333	4·393	2,613,333	- -	65 10 -	901,600	- -	1,711,733
North Staffordshire	782,958	4·627	2,948,750	- -	27 3 -	2,148,164	- -	800,586
North Western	236,767	5·	1,100,000	- -	60 - -	440,000	- -	660,000
North and South Western Junction	- - -	- -	50,000	30 - -	- -	65,000	15,000	—
Oxford, Worcester, and Wolverhampton	419,679	4·995	1,500,000	- -	49 - -	765,000	- -	735,000
Shrewsbury and Birmingham	64,850	5·	1,000,000	- -	35 - -	650,000	- -	350,000
Shrewsbury and Chester	407,000	4·924	160,000	- -	32 10 -	108,000	- -	52,000
Shropshire Union	- - -	- -	480,064	- -	46 - -	259,235	- -	220,829
South Devon	478,166	5·039	1,000,000	- -	58 - -	420,000	- -	580,000
South Eastern	2,059,075	4·413	7,433,700	- -	24 10 -	5,612,444	- -	1,821,256
South Wales	622,893	4·847	2,800,000	- -	27 - -	2,044,000	- -	756,000
South Yorkshire and River Don	227,500	4·281	750,000	- -	13 6 8	650,000	- -	100,000
West Cornwall	31,800	5·	208,845	- -	19 4 7	168,686	- -	40,159
York and Berwick	1,442,979	4·449	2,734,575	- -	31 - -	1,886,857	- -	847,718
York and North Midland	1,538,589	4·524	3,022,725	- -	41 - -	1,783,407	- -	1,239,318
£.	45,567,096	4·469	111,991,701	- -	- -	92,329,839	5,156,050	24,817,912

(C.)

STATEMENT of Capital.—Scotch Railways.

SCOTCH RAILWAYS.	Mortgage Debt, Dec. 1851.		Amount of Capital Paid up.	Per-centage of present Price on Amount paid up.		Value of Capital at present Price.	Amount of Increase or Decrease in Amount of Capital.	
	Amount.	Average Rate %.		Premium.	Discount.		Increase.	Decrease.
	£.		£.		£. s. d.	£.		£.
Aberdeen	411,130	4·799	830,000	- -	69 - -	257,300	- -	572,700
Caledonian	1,701,324	4·953	3,129,209	- -	35 10 -	2,018,343	- -	1,110,866
Dundee, Perth, and Aberdeen	214,000	4·363	200,000	- -	66 - -	68,000	- -	132,000
Edinburgh and Glasgow	905,360	4·224	2,223,375	- -	26 - -	1,645,298	- -	578,077
Edinburgh, Perth, and Dundee	829,019	4·910	1,411,011	- -	66 - -	479,744	- -	931,267
Glasgow and South Western	805,471	4·491	2,825,073	- -	37 - -	1,779,796	- -	1,045,277
Scottish Central	409,006	4·650	1,020,000	- -	1 - -	1,009,800	- -	10,200
Scottish Midland	71,133	4·706	600,000	- -	37 10 -	375,000	- -	225,000
Stirling and Dunfermline	77,632	4·789	390,000	- -	23 6 8	299,000	- -	91,000
£.	5,424,075	4·693	12,628,668	- -	- -	7,932,281	- -	4,696,387

(D.)

STATEMENT of Capital.—Irish Railways.

IRISH RAILWAYS.	Mortgage Debt, Dec. 1851.		Amount of Capital Paid up.	Per-centage of present Price on Amount paid up.		Value of Capital at Present Price.	Amount of Increase or Decrease in Amount of Capital.	
	Amount.	Average Rate %.		Premium.	Discount.		Increase.	Decrease.
	£.		£.	£. s. d.	£. s. d.	£.	£.	£.
Cork and Bandon	80,000	5·213	240,000	- -	61 - -	93,600	- -	146,400
Dublin and Drogheda	374,825	4·887	450,000	- -	6 13 4	420,000	- -	30,000
Dublin and Belfast Junction	114,750	4·936	840,195	8 17 6	- -	914,762	74,567	—
Dundalk and Enniskillen	25,101	5·	*450,000	- no price quoted.				
Great Southern and Western	848,314	4,891	2,500,000	9 - -	- -	2,725,000	225,000	—
Irish South Eastern	27,000	5·	577,500	- -	34 - -	381,150	- -	196,350
Londonderry and Coleraine	14,000	5·	250,000	- -	56 - -	110,000	- -	140,000
Londonderry and Enniskillen	12,500	5·	170,000	- -	16 - -	142,800	- -	27,200
Midland Great Western	213,830	4,942	950,000	4 10 -	- -	992,750	42,750	—
Newry and Enniskillen	- - -	- -	73,912	- -	53 - -	34,739	- -	39,173
Newry, Warrenpoint, and Rostrevor	23,962	5·942	100,000	- -	52 10 -	47,500	- -	52,500
Waterford and Kilkenny	83,000	5·	250,000	- -	52 10 -	118,750	- -	131,250
Waterford and Limerick	110,195	5·	750,000	- -	32 - -	510,000	- -	240,000
			7,601,607					
			*450,000					
£.	1,927,477	4·938	7,151,607	- -	- -	6,491,051	342,317	1,002,873

(E.)

STATEMENT of Capital paid up by 12 French Railways, and the Value of such Capital.

Shares.	RAILWAY.	Amount Paid.	Present Price.	Capital Paid up.	Per-centage.		Value of Capital at Present Price.	Increase in Amount of Capital.
					Premium.	Discount.		
		£.	£.	£.	£.	£.	£.	£.
66,000	Central of France	20	- -	1,320,000	- -	- -	no quotation	—
33,000	Dijon and Besancon	10	13¼	330,000	33½ %	- -	440,550	110,550
32,000	Grand Junction of France	10	11¾	320,000	17½ „	- -	376,000	56,000
300,000	Lyons and Avignon	5	- -	1,500,000	- -	- -	no quotation	—
400,000	Northern of France	20	35⅝	8,000,000	78 „	- -	14,240,000	6,240,000
130,000	Orleans and Bordeaux	11	- -	1,430,000	- -	- -	no quotation	—
60,000	Paris, Caen, and Cherbourg	4	9¼	240,000	131¼ „	- -	555,000	315,000
240,000	Paris and Lyons	10	27⅛	2,400,000	171¼ „	- -	6,510,000	4,110,000
80,000	Paris and Orleans	20	41½	1,600,000	107½ „	- -	3,320,000	1,720,000
72,000	Paris and Rouen	20	42½	1,440,000	112½ „	- -	3,060,000	1,620,000
250,000	Paris and Strasbourg	20	32¾	5,000,000	63¾ „	- -	8,187,500	3,187,500
40,000	Rouen and Havre	20	20½	800,000	2½ „	- -	820,000	20,000
100,000	South Eastern of France	2	2⅝	200,000	31¼ „	- -	262,500	62,500
120,000	Southern of France	4	9¼	480,000	131¼ „	- -	1,110,000	630,000
80,000	Tours and Nantes	17	- -	1,360,000	- -	- -	no quotation	—
50,000	Western of France	10	20½	500,000	105 „	- -	1,025,000	525,000
				26,920,000	- -	- -	39,906,550	18,596,550
		off, no quotations		5,610,000				
			£.	21,310,000				

SUMMARY.

Total Amount of Share Capital paid up on 12 French Railways	£.21,310,000
Value at market price	39,906,550
Enhanced Value	£.18,596,550

(F.)

STATEMENT showing the comparative Market Value of the Share Capital of 23 English Lines in the Years 1845 and 1853; together with the Amount of Additional Capital raised on those Lines within that Period.

	1853.				1845.				Amount of Capital raised between the Two Periods of 1845 & 1853.
	Capital Paid up.	Value of Capital.	Increase in Amount of Capital.	Decrease in Amount of Capital.	Capital Paid up.	Value of Capital.	Increase in Amount of Capital.	Decrease in Amount of Capital.	
	£.	£.	£.	£.	£.	£.	£.	£.	£.
Bristol and Exeter	2,000,000	2,080,000	80,000	-	1,050,000	1,260,000	210,000	-	950,000
Chester and Holyhead	2,100,000	924,000	-	1,176,000	210,000	336,000	126,000	-	1,890,000
Eastern Counties	5,843,000	3,870,988	-	1,972,012	2,754,000	3,359,880	605,880	-	3,089,000
Eastern Union	270,600	113,652	-	156,948	40,000	76,400	36,400	-	230,600
Great Northern	4,808,225	3,942,745	-	865,480	250,000	700,000	450,000	-	4,558,225
Great Western	8,160,000	7,507,200	-	652,800	4,000,000	9,000,000	5,000,000	-	4,160,000
Lancaster and Carlisle	900,000	1,674,000	774,000	-	240,000	480,000	240,000	-	660,000
Leeds Northern	920,000	294,400	-	625,600	40,000	64,000	24,000	-	880,000
London and North Western	20,209,821	24,251,785	4,041,964	-	12,577,347	22,656,436	10,079,089	-	7,632,474
London and South Western	6,730,633	6,124,876	-	605,757	1,945,600	3,774,464	1,828,864	-	4,785,033
London and Blackwall	1,265,868	1,035,059	-	230,809	800,000	384,000	-	416,000	465,868
London and Brighton	4,615,634	4,788,720	173,086	-	2,355,250	3,038,258	683,008	-	2,260,384
Manchester, Sheffield and Lincoln	3,322,826	996,847	-	2,325,979	756,500	922,930	166,430	-	2,566,326
Midland	9,130,621	6,847,966	-	2,282,655	5,158,000	5,673,800	515,800	-	3,972,621
North British	2,613,333	901,600	-	1,711,733	168,750	270,000	101,250	-	2,444,583
Oxford, Worcester, and Wolverhampton	1,500,000	765,000	-	735,000	75,000	90,000	15,000	-	1,425,000
Shrewsbury and Birmingham	1,000,000	650,000	-	350,000	450,000	1,080,000	630,000	-	550,000
South Devon	1,000,000	420,000	-	580,000	220,000	374,000	154,000	-	780,000
South Eastern	7,433,700	5,612,444	-	1,821,256	2,324,000	2,464,989	140,989	-	5,109,700
South Wales	2,800,000	2,044,000	-	756,000	125,000	250,000	125,000	-	2,675,000
West Cornwall	208,845	168,686	-	40,159	11,250	36,000	24,750	-	197,595
York and Berwick	2,734,575	1,886,857	-	847,718	1,480,000	2,812,000	1,332,000	-	1,254,575
York and North Midland	3,022,725	1,783,407	-	1,239,318	900,500	972,540	72,040	-	2,122,225
	£. 92,590,406	78,684,232	5,069,050	18,975,224	37,931,197	60,075,697	22,560,500	416,000	54,659,209
		60,075,500							18,608,732
		£. 18,608,732							
								£.	36,050,477

Amount paid up between 1845 and 1853	54,659,209
Present value thereof	18,608,732
Loss on such payment	36,050,477

Appendix, No. 6.

PAPER delivered in by Mr. *James Allport*, 9 May 1853.

MANCHESTER, SHEFFIELD, AND LINCOLNSHIRE RAILWAY.

TRAINS run in Connexion with GREAT NORTHERN TRAINS since opening of Town's Line, 15 July 1852.

UP TRAINS.

1852.

	July.	August.	September.	October.	November.	December.
1.	1. 2.	1. & 2.	1. & 2.	1. & 2.	1. & 2.	1. 2. 3.
	—	—	—	—	—	—
	A. M.	A. M.	A. M.	A. M.	A. M.	A. M.
Leave Manchester	–	–	–	–	6 20	–
,, Sheffield	–	6 20	6 20	6 20	(8 5)	–
,, Retford	–	(8 3)	(8 3)	(8 5)	(1 0)	–
Arrive London	–	(12 45)	(12 45)	(1 0)		–
2.	1. 2. 3.	1. 2. 3.	1. 2. 3.	1. 2. 3.	1. 2. 3.	
	—	—	—	—	—	
	A. M.					
Leave Manchester	6 30	6 30	6 30	6 30	6 30	6 30
,, Sheffield	8 40	8 40	8 40	8 40	8 40	8 40
,, Retford	(10 0)	(9 50)	(10 0)	(10 0)	(10 0)	(10 0)
Arrive London	(5 30)	(4 30)	(4 50)	(4 50)	(4 50)	(4 50)
3.	1. & 2.		1. & 2.	1. & 2.	1. & 2.	1. & 2.
	—		—	—	—	—
Leave Manchester	–	–	9 30	9 30	9 30	9 30
,, Sheffield	–	–	11 0	11 0	11 0	11 0
,, Retford	–	–	(11 50)	(11 50)	(11 50)	(11 50)
Arrive London	–	–	(3 50)	(3 50)	(3 50)	(4 0)
4.	1. & 2.	1. & 2.	1. & 2.	1. & 2.	1. & 2.	1. & 2.
	—	—	—	—	—	—
Leave Manchester	11 30	11 30	11 30	11 30	11 30	11 30
,, Sheffield	(1 40)	(1 40)	(1 40)	(1 40)	(1 40)	(1 40)
,, Retford	(2 30)	(2 30)	(2 30)	(2 30)	(2 30)	(2 30)
Arrive London	(7 45)	(7 0)	(7 0)	(7 0)	(7 10)	(7 10)
5.	Exprs.	1. & 2.	1. & 2.	1. & 2.	1. & 2.	1. & 2.
	—	—	—	—	—	—
	P. M.	P. M.				
Leave Manchester	1 45	1 45	1 45	1 45	1 45	1 45
,, Sheffield	4 0	4 0	4 0	4 0	4 0	4 0
,, Retford	(5 40)	(5 40)	(5 40)	(5 40)	(5 40)	(5 40)
Arrive London	(10 0)	(9 30)	(9 30)	(9 30)	(9 30)	(9 30)
6.	1. & 2.	1. & 2.	1. & 2.	1. & 2.	1. & 2.	1. & 2.
	—	—	—	—	—	—
	P. M.	P. M.				
Leave Manchester	6 30	6 30	6 30	6 30	6 30	6 30
,, Sheffield	(9 0)	(9 0)	(9 0)	(9 0)	(9 0)	(9 0)
,, Retford	(9 45)	(9 45)	(9 45)	(9 45)	(10 5)	(10 5)
Arrive London	(3 0)	(3 0)	(3 0)	(3 0)	(3 0)	(3 0)

1853.

	January.	February.	March.	April.	May.
1.	1. 2. 3.	1. & 2.	1. & 2.	1. & 2.	1. & 2.
	—	—	—	—	—
	A. M.				
Leave Manchester	–	–	–	–	–
,, Sheffield	–	6 20	6 0	6 0	6 0
,, Retford	–	(7 30)	(7 30)	(7 30)	(7 30)
Arrive London	–	(1 0)	(1 0)	(12 30)	(12 30)
2.	1. 2. 3.	1. 2. 3.	1. 2. 3.	1. 2. 3.	1. 2. 3.
	—	—	—	—	—
Leave Manchester	6 30	6 20	6 20	6 20	6 20
,, Sheffield	8 40	8 40	8 40	8 40	8 40
,, Retford	(10 10)	(10 10)	(10 10)	(10 10)	(10 10)
Arrive London	(5 0)	(5 0)	(5 0)	(5 0)	(5 0)
3.	1. & 2.	1. & 2.	1. & 2.	1. & 2.	1. & 2.
	—	—	—	—	—
Leave Manchester	9 30	9 30	9 30	9 30	9 30
,, Sheffield	11 0	11 0	11 0	11 0	11 0
,, Retford	(11 55)	(11 55)	(11 55)	(11 55)	(11 55)
Arrive London	(4 0)	(4 0)	(4 0)	(4 0)	(4 0)
4.	1. & 2.	1. & 2.	1. & 2.	1. & 2.	1. & 2.
	—	—	—	—	—
Leave Manchester	11 30	11 30	11 30	11 30	11 30
,, Sheffield	(1 40)	(1 40)	(1 40)	(1 40)	(1 40)
,, Retford	(2 25)	(2 25)	(2 25)	(2 25)	(2 40)
Arrive London	(7 10)	(7 10)	(7 10)	(7 10)	(7 30)
5.	1. & 2.	1. & 2.	1. & 2.	1. & 2.	1. & 2.
	—	—	—	—	—
Leave Manchester	1 45	1 45	1 45	1 45	1 45
,, Sheffield	4 0	4 0	4 0	4 0	4 0
,, Retford	(5 40)	(5 40)	(5 40)	(5 40)	(5 40)
Arrive London	(9 30)	(9 30)	(9 30)	(9 30)	(9 30)
6.	1. & 2.	1. & 2.	1. & 2.	1. & 2.	1. & 2.
	—	—	—	—	—
Leave Manchester	6 30	6 30	6 30	6 30	6 30
,, Sheffield	(9 10)	(9 10)	(9 10)	(9 10)	(9 10)
,, Retford	(10 18)	(10 18)	(10 18)	(10 18)	(10 18)
Arrive London	(3 0)	(3 0)	(3 0)	(3 0)	(3 0)

In this month the G. N. had 6 through trains, *i. e.* Retford to London, 4 of which were in connexion with M., S., & L. trains, as shown.

Great Northern had 7 through trains, Retford to London, 5 of which were in connexion with M., S., and L. trains, as shown.

Great Northern had 7 through trains, Retford to London, 6 of which were in connexion with M., S., and L. trains, as shown.

Great Northern had 7 through trains, Retford to London, 6 of which were in connexion with Manchest., Sheffi., and Lincolnsh. trains.

Great Northern had 7 through trains, Retford to London, 6 of which were in connexion with Manchest., Sheffi., and Lincolnsh. trains.

Great Northern had 6 trains, Retford to London, 5 of which were in connexion with Manchester, Sheffield, and Lincolnshire trains.

Great Northern had 6 trains, Retford to London, 5 of which were in connexion with Manchester, Sheffield, and Lincolnshire trains.

Great Northern had 6 trains, Retford to London, 5 of which were in connexion with Manchester, Sheffield, and Lincolnshire trains.

Great Northern had 6 trains, Retford to London, all of which were in connexion with Manchester, Sheffield, and Lincolnshire trains.

Great Northern had 6 trains, Retford to London, all of which were in connexion with Manchester, Sheffield, and Lincolnshire trains.

Great Northern had 6 trains, Retford to London, all of which were in connexion with Manchester, Sheffield, and Lincolnshire trains.

Great Northern have 6 trains, Retford to London, all of which are in connexion with Manchester, Sheffield, and Lincolnshire trains.

TIME OCCUPIED BETWEEN MANCHESTER AND LONDON, IN MAY 1853.

UP.	By Manchester, Sheffield, and Lincolnshire, & Great Northern.	By London and North Western.	DOWN.	By Manchester, Sheffield, and Lincolnshire, & Great Northern.	By London and North Western.
	Hours.	*Hours.*		*Hours.*	*Hours.*
Quickest train	6 ½	5 ½	Quickest train	7 ½	5 ½
Slowest ,,	10 ½	10 ½	Slowest ,,	10	11 ⅝
Average	8 ¼	7 ⅛	Average	8 ¾	7 ⅝

Note.—The *plain* figures show how far the trains are worked by Manchester, Sheffield, and Lincolnshire, and the figures within *parentheses* ( ) by the Great Northern.

(*continued*)

MANCHESTER, SHEFFIELD, AND LINCOLNSHIRE RAILWAY.

DOWN TRAINS.

	1852.						1853.				
	July.	August.	September.	October.	November.	December.	January.	February.	March.	April.	May.
1.											
Leave London	—	—	—	—	—	—	—	—	—	—	—
,, Peterborough	—	—	—	—	—	—	—	—	—	—	—
,, Retford	—	—	—	—	—	—	—	—	—	—	—
,, Sheffield	—	—	—	—	—	—	—	—	—	—	—
Arrive Manchester	—	—	—	—	—	—	—	—	—	—	—
	G. N. had 4 through trains this month, 2 of which were in connexion with M. S. and L. trains, as shown.	G. N. 5 trains, London to Retford, 3 of which were in connexion with M. S. and L. trains.	G. N. 5 trains, London to Retford, 4 of which were in connexion with M., S., and L.	G. N. 5 trains, London to Retford, 4 of which in connexion with M., S., and L.	G. N. 5 trains, London to Retford, 4 of which in connexion with M., S., and L.	G. N. 5 trains, London to Retford, 3 of which in connexion with M., S., and L.	G. N. 5 trains, London to Retford, 3 of which in connexion with M., S., and L.	G. N. 5 trains, London to Retford, 4 of which in connexion with M., S., and L.	G. N. 5 trains, London to Retford, 4 of which in connexion with M., S., and L.	G. N. 5 trains, London to Retford, 4 of which in connexion with M., S., and L.	G. N. 5 trains, London to Retford, 4 of which in connexion with M., S., and L.
2.	Exprs.	Exprs.	A.M. 1. 2. 3.	1. 2. 3.	1. 2. 3.	1. 2. 3.	1. 2. 3.	1. 2. 3.	1. 2. 3.	1. 2. 3.	1. 2. 3.
Leave London	(9 15)	(10 0)	(7 0) 1st. (10 0)	(7 0) 1st. (10 0)	(7 0) 1st. (10 0)	(7 0) 1st. (10 0)	(7 0) 1st. (10 0)	(7 0) 1st. (10 0)	(7 0) 1st. (10 0)	(7 0) 1st. (9 30)	(7 0) 1st. (9 30)
,, Peterborough	(11 5)	(11 45)	(10 33) (11 40)	(10 33) (11 40)	(10 40) (11 45)	(10 40) (11 45)	(10 40) (11 45)	(10 40) (11 45)	(10 40) (11 45)	(10 30) (11 13)	(10 30) (11 13)
,, Retford	1 25	1 25	1 50	1 50	1 50	1 50	1 50	1 50	1 50	1 50 (1 0)	1 50 (1 0)
Arrive Sheffield	2 14	2 14	2 44	2 44	2 44	2 44	2 44	2 44	2 44	2 44 (1 45)	2 44 (1 45)
,, Manchester	4 21	4 21	4 51	4 51	4 51	4 51	4 51	4 51	4 51	4 51	4 51
3	1. & 2.	1. & 2.	1. & 2.	1. & 2.	1. & 2.	1. & 2.	1. & 2.	1. & 2.	1. & 2.	1. & 2.	1. & 2.
Leave London	(11 0)	(11 0)	(11 0)	(11 0)	(11 0)	(11 0)	(11 0)	(11 0)	(11 0)	(10 30)	(10 30)
,, Peterborough	(1 40)	(1 20)	(1 15)	(1 15)	(1 15)	(1 15)	(1 15)	(1 15)	(1 15)	(12 50)	(12 50)
,, Retford	(4 10)	(3 20)	(3 20)	(3 20)	(3 20)	(3 20)	(3 20)	(3 20)	(3 20)	(3 0)	(3 0)
Arrive Sheffield	(5 10)	(4 0)	(4 0)	(4 0)	(4 0)	(4 0)	(4 0)	(4 0)	(4 0)	(3 50)	(3 50)
,, Manchester	7 49	7 49	7 49	7 49	7 49	7 49	7 53	7 53	7 53	7 53	7 53
4.		1. & 2.	1. & 2.	1. & 2.	1. & 2.			1. & 2.	1. & 2.	1. & 2.	1. & 2.
Leave London	—	(2 0)	(2 0)	(2 0)	(2 0)	—	—	(2 0)	(2 0)	(2 0)	(2 0)
,, Peterborough	—	(5 0)	(5 0)	(5 0)	(5 0)	—	—	(5 0)	(5 0)	(5 0)	(5 0)
,, Retford	—	7 40	7 40	7 40	7 40	—	—	7 30	7 30	7 30	7 30
Arrive Sheffield	—	8 25	8 25	8 25	8 25	—	—	8 22	8 22	8 22	8 22
,, Manchester	—	10 30	10 30	10 30	10 30	—	—	10 20	10 20	10 20	10 20

Appendix, No. 7.

PAPER delivered in by *Robert Roy*, Esq., 9 May 1853. Appendix, No. 7.

Lord Chancellor's Court, Lincoln's Inn,
12 December 1849.

The Chester and Shrewsbury Railway Company *v.* the Chester and Holyhead Railway Company and the Lancashire, Cheshire, and Birkenhead Junction Railway Company, and the London and North-Western Railway Company.

JUDGMENT of LORD COTTENHAM.

The Lord Chancellor.—This case, partly from the value of the property in question, and partly from the zeal of the different companies fighting for their own interests, has occupied a great length of time; but it appears to me that the whole case resolves itself into the simplest possible proposition, except on one or two minor points. I have not from the beginning to the end entertained the slightest doubt as to what the jurisdiction of this Court is, or how it ought to be exercised. Here are four railway companies, totally unconnected with each other, each occupying a particular district of country, each therefore entitled to all those rights and privileges, and each restrained by all those rules which affect the use and enjoyment of property of this description between parties who are not bound together by

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any peculiar duty or any peculiar contract. Among those rights is the right of competition. If they are so circumstanced as that the one has an interest in drawing, so far as it can, the traffic of another company to its own by all legitimate and fair means, they have a right to do so. Each of these companies has the same right as any other company to do that, and there is nothing to prevent them from the enjoyment of those rights, or from the exercise of the means by which they can effect that purpose. It appears it was thought at one time the interest of all these four companies, as they all met at Chester, that one large station should be erected and used for the joint purposes of all, and that it was agreed upon; but if nothing had been said upon the subject, it was quite clear that that joint station would be to be used by each as a separate station, as if they had preserved a separate station for themselves, subject only to those restrictions which they might be subjected to in having made a joint station.

If a railway company has a separate station of their own, they may do what they please at it; but if two or more companies join in having a joint station, they can only use it for those purposes for which they contract to use it. Their resolution is that each is to have, without any particular provision, precisely the same benefit and advantage and use of that joint station, as they would have had if they had had a station for themselves. The parties themselves did not limit the necessary inference of law from such a union of a station for different railways; for it is provided by the resolution, which is the foundation of contract, and which preceded the erection of the station, that complete station accommodation shall be had "at the joint station for all the traffic of the respective companies, and all additional accommodation that may be required hereafter to be provided at the joint station." There is, therefore, put into writing, that which would be inferred without it, that each should have the enjoyment and use of the joint station for all the purposes of their traffic; that is to say, for all the purposes which would belong to the station of each particular company, subject only to that restriction, that it must be used for the purposes for which the parties are united, namely, a station for their traffic.

Now the question then is, whether the evidence shows that what is attempted to be done on the part of this joint authority, the station authority which derives its power from delegates of each company, whether what they have done is *bonâ fide* for the purpose of the management of the station so constituted, and having such rights connected with it; or whether it is for any collateral purpose, whether its powers are attempted to be exercised, not for the purpose of the joint enjoyment of this joint property (for partnership it is not in any sense, it is a mere joint property, used for these different railways); or whether they have attempted to use this for the purpose of depriving this company of those rights which, as between themselves, they had before.

Now, during the discussion I have observed the arguments of the counsel at the bar for the different companies have merged into the question of competition; that is to say, departed entirely from the question of the joint property, so far as it is connected with the station, and arguing on the supposed improper conduct of one of these companies in endeavouring to secure an advantage to themselves at the expense of the others. I was not at all surprised at that course being adopted, because it appeared to be the obvious foundation of the contest that has given rise to the quarrel. But when I came last night to read these pleadings, I found I was not at all under the necessity of resorting to general inferences from it, because I found letters commencing with the commencement of this quarrel, which most clearly and distinctly avowed that to be the purpose. The first letter I referred to is the letter set out in the 11th page of the Brief on the 5th of November. The allegation is that Mr. Roy, and this is verified by the affidavits in support of the motion: "Received from Mr. Jones two letters," the first whereof was in the words and figures following: "November 5, 1849. Dear Sir—Booking passengers *viâ* Shrewsbury to Wolverhampton and Birmingham," that is the title of the letter; "Hitherto there has been no competition for passengers, &c. out of this station, but they have uniformly been booked by the direct route." That is, the London and North-Western. "I must, therefore, refuse to book passengers or parcels, or invoice goods by other than the usual course, until I have definite orders to the contrary from the station committee; I will, if you wish, bring the matter before them at their next meeting;" that may be a very proper letter from Mr. Jones, who had no authority of his own, but only to execute the orders that he received. He puts it most clearly and unequivocally what was the ground of their refusing to book orders or passengers by the Shrewsbury and Chester line, because hitherto there had been no competition, and the North-Western had the exclusive monopoly of that line of business. Then there is another letter, also set out in the Bill, and verified in the same way, on the 7th November, relating to the other subject, namely, Mr. Parker's line: "Dear Sir—Your omnibuses being placed on the road between here and Birkenhead is so completely in opposition to the Birkenhead Company, that I could only account for the notification issued by you, that passengers would be booked for it at the station, as a clerical or typographical error; and I did not doubt, but that as soon as it was pointed out to you it would be rectified. I was therefore considerably surprised that you allowed two whole days to pass, and a second application to be made by me, before any acknowledgment was made of any communication, and then only to receive a promise of bringing the subject before the directors of the Shrewsbury and Chester Company, and to find that passengers are booked in the yard by the people in attendance on the omnibuses, not only persons from Shrewsbury, but from Chester and other places." Then he goes on and says, "This is unfair to a company which has contributed so largely to the erection of the station; and I have, I must say, unwillingly done what I am sure you would have rendered unnecessary, taken measures to prevent its recurrence." Then there is another passage in a subsequent affidavit; that is the affidavit of Mr.

Mr. Gibson, in which he states this on the 7th of December 1849; it alludes to the prohibition of any carriages coming in, except to go to Chester, which it was observed would prevent anybody going anywhere else, whether they went to Birkenhead or not; this is the affidavit: "I say that if any inconvenience shall be experienced, and complaint made as to the exclusion of public carriages plying to any other places than within the City of Chester, or the neighbourhood thereof, such inconvenience will be remedied by the committee having the management of the joint station, it being the only object of the committee, by the resolutions of 13th November last, to prevent such public carriages as have been or may be established for the purpose of opposing or competing with the line of any railway contributing to the expense of meeting and maintaining the joint station from using the same." Here we have in the affidavit of the defendants, not only from the letters of their agent, but we have from the affidavit filed so late as the 7th of the present month, a clear and unequivocal admission of that which was sufficiently apparent before, that this is not connected with any supposed use of the station, but it is a means resorted to by the three companies for the purpose, if they can, of controlling the fourth, and preventing the fourth from entering into competition with the North-Western line on one side, and the Birkenhead and Chester line on the other.

Now, if that be so, if they can bring it within the legitimate rule, and show what is attempted to be done is objectionable, because it is an abuse of the common property, they may make a case, but undoubtedly they cannot make a case on the ground on which they put it, and to which I have referred, or so much of the argument at the bar as has been addressed to that subject. I consider it to be quite clear, that the company which Mr. Malins represents, never have bound themselves to abstain from doing anything which they would have a right to do if they had a station of their own, otherwise than as connected with that station; they would never have bound themselves to abstain from any competition, or the means of using competition with the one line or the other. Whatever they had a right to do before in that way, they have a right to do now. That appears not to be the opinion of those who have the conduct of the station, or the opinion of those who think they will be prejudiced by the competition, and who give directions to the managers of the station committee, and the sole question therefore that I have to consider is, not the motives which have given rise to the proceedings of the station committee, whether they can support what they have done; not upon the motives and principle upon which they have proceeded themselves, but whether from what has been done they can find anything connected with that which is the legitimate ground of interference, namely, a supposed abuse by an attempt to abuse the common property, by steps or measures taken by the Chester and Shrewsbury line.

That resolves itself at present into two points, and two points only; one is, they say, that you have been in the habit as far as it has gone, at all events you contend for the future, that you have a right at the Chester station to book passengers and parcels beyond the limits of your railway. Your railway goes only to Shrewsbury, and you take on yourself at the Chester station to book passengers to Wolverhampton. It so happens there is now a railway all the way to Wolverhampton now that the second line is open, and in going to Wolverhampton there is another railway to pass over; they say that is the common use of the station; it is what the great majority or a great many other companies at least do; it is for the convenience of the public; it is for the benefit of the two companies, or at least of one company if not of both, that instead of making the passengers terminate their journey at one railway and commence another, they shall at one place be permitted to take a ticket for the whole journey, and then the fare received; the fare which is paid is to be divided between the two companies in such proportions as they may think just between themselves. Now, that is a point not only established beyond all question as a general proposition without reference to railways, or whatever it is, but beyond all doubt it is a very beneficial practice to do so, and of which everybody who has been in the habit of going on railways must have had personal experience, and the evidence shows it to be, if not universal, at least very general; then it is not an abuse of their power so to use the station. If it is not contrary to the general custom, but according to the usual custom, it is obviously for the benefit of railways, and obviously also for the benefit of the public.

Then another point occurs; what possible injury can be caused by this practice by the parties interested in the station? and I pressed this on the counsel, particularly on Mr. Bacon, what possible difference could it make to the station where the ticket was taken, for whether the clerk received 4 *s.* in one case, giving one piece of paper, and in another case another piece of paper, it is no more labour; it is no more trouble; it takes no more time, and no more space is occupied; therefore, not only is it consistent with the practice, not only is it a legitimate use of the station, but it is that which the parties must have contemplated, particularly the North-Western Company, at the time they entered into the arrangement; it is what all parties must have contemplated doing at the station; it is only doing at the joint station what they would do if they had a separate station of their own; it is incurring no additional expense or trouble to the joint proprietors. However, it is quite open to this particular company to book passengers to Wolverhampton, and the Vice-Chancellor's Order proceeded on that, and I think it most properly prohibits these companies from interfering with such booking; it is not booking; it is rather taking the fare at the Chester station. But then he introduces into his Order a proviso that the whole journey shall be performed by railway. Upon looking through the pleadings and the affidavits, I can find nothing to raise the distinction; nor is there any rational distinction, it appears, between the one case and the other. What is the gravamen? What do you complain of? You complain of the undertaking with the passenger to carry him beyond the limits of your own railway: that is the complaint you make. You say you may book from Chester to Shrewsbury (that is your

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railway), but you shall not book beyond. If I may book beyond, what does it signify to the Chester station, or to those interested in the Chester station, whether I take the passenger when he gets to Shrewsbury a little further in an omnibus or on a railway? That cannot affect their interest or add more to their trouble; nor is it possible that can at all create a new right or equity beyond what will properly belong to it, as to all other railways. It would be an introduction of a modern custom. There is custom enough to infer what parties mean when they enter into a contract. There is no law connected with railways beyond what is connected with any other mode of conveyance. When you come to consider whether there is any difference in the present contest between carrying them forward by railway or omnibuses, or other public carriages, I can see no ground whatever for the distinction; I can see nothing in the pleadings that gives rise to it; and without at all referring to whether there are any particular facts, of which there is no evidence before me, it appears to me that proviso had nothing to stand upon at all; the question is a question of right between these parties, whether they shall book for any journey beyond the limits of their own railway; that is the contest between the parties; they say you shall not. The Chester and Shrewsbury Railway Company say they have a right to do so, and then having established that right, they are entitled to an injunction for the purpose of preventing the station-manager from interfering with the exercise of that right; that will be attained by striking out the proviso.

The only other question, which lies in the smallest possible compass, the only other question is, whether they have a right to say to this particular company, the Shrewsbury and Chester Company, that when your passengers arrive at Chester, intending and wishing to go on to Liverpool or to Birkenhead, that you shall not permit any carriage to come into the station for the purpose of taking them to their destination, or as the Order stands, to take them to any destination otherwise than to the city of Chester. Now, it is not attempted, and it is *per incuriam*, it is not attempted to be supported that it is the wish, or the interest, or the right of the others to confine them to the city of Chester; it would be a most whimsical inequality between these parties that those who want to go to Chester shall have a public conveyance, and those who want to go elsewhere shall not have a public carriage. It is not in contest that the order is too extensive, and it would be more accurate and right if it were confined to public conveyances going from the Chester station to Birkenhead; but I must say it does not appear to me that it makes any very great difference; if you may go anywhere else than Birkenhead, why not go to Birkenhead? There is only one reason I know of, and that is the reason stated in that affidavit, that it is in competition with one of these four companies, that railway company wishing to monopolise all the traffic from Chester to Birkenhead, they very naturally, Mr. Parker's clients, are the only ones as I can see, really interested in this matter. On this particular point they very naturally, though not very properly, in my opinion, yet very naturally, set right and justice at defiance, and are very desirous of compelling all the passengers that come from Shrewsbury to Chester, and go to Birkenhead, to go by their railway. The order of the managing committee has that immediate effect; for as I put it just now to Mr. Parker, what is a passenger to do that comes from Shrewsbury to Chester, intending to go to Birkenhead? He is told at the station there is a train going to Birkenhead; it may not be at a convenient time, yet there is that mode of being transferred to the place of his destination by that railway; if he can go by that railway, they would carry him, and put him in the right carriage, and take him to Birkenhead; but if he says I cannot wait, or I want to go somewhere else, of course they do not imprison him in the station; they say you may take up your trunk and carry it, and go away where you please, but any conveyance for hire, not only an omnibus, but any carriage for hire you shall not have, not even a cab; a porter shall not help you; you shall carry your luggage yourself; you shall not have any public conveyance which is described to be a conveyance plying for hire, and therefore a conveyance capable of being made private if a party does hire it; none shall come into the station to take away your goods. That is put in the affidavit as simply and solely for the purpose of preventing that competition to the Chester and Birkenhead Railway; it is not attempted to be put upon any other ground in the affidavit; it is said to be adopted solely for that purpose, because that company has contributed largely towards the erection of the station, and therefore those who have the management of that station say, we are entitled and we have a right to use this power so put into our hands solely for the management of the joint station, for the purpose of keeping down any competition attempted to be raised against the company who contributed a large portion of the expense for the erection of the station. If it can be shown that there is something peculiar in the carriages going to Birkenhead which creates annoyance or inconvenience to the joint station, beyond that of an omnibus, or any carriage going to any other place, that would be to be considered. Whenever that fact is made out, that might fall within the management of the Chester Station Committee. It is not put upon that ground. What can it signify whether a party is going to Birkenhead, or anywhere else, for the purpose of the present motion? Have they not a right, is it not contrary to the usual practice of railways, when passengers arrive at a station, to prohibit any mode by which they can get away? A man may have 20 carriages of his own at his own house, but he does not take them with him to the station, or to every place where he is going. All persons, high or low, must depend in some sort of way on public conveyances; whether it applies to all mankind or not, it applies to a great many persons at all events. Why is a passenger to be told, on coming to the station, you shall not have any means afforded you of moving yourself by means of a public conveyance from that station? and it is not attempted to be defended on any other ground. Birkenhead is the only exception; why is it an exception? Because it is a matter of competition with the other companies. These companies are entitled to every species of competition which they would have been entitled to if they had not joined together in

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the contract for the erection of the railway station, unless it interferes with the contract. It does not interfere with that contract, as it appears to me, at all. I see no ground whatever for this arbitrary rule attempted to be adopted by the majority against the minority, and, as the evidence stands, the resolution which they have adopted, and which the Vice-Chancellor has declined to interfere with, is one that cannot possibly be maintained, not only as to the ground on which it is attempted to be supported, but also because no case is made arising out of any peculiar inconvenience connected with the plying of omnibuses to that particular destination any more than of omnibuses to any other place. It appears to me the proviso must be struck out, and the Injunction must be extended to that part of the resolution which prohibits the introduction of any omnibus or public carriage going to Birkenhead from being admitted into the station. The motion, therefore, to discharge the Vice-Chancellor's Order must be refused with costs, and the Order made on your motion.

Appendix, No. 8.

PAPERS delivered in by *Rowland Hill*, Esq., 13 May 1853.

A BILL to make further Provision for the Conveyance of MAILS by RAILWAYS.

WHEREAS it is expedient to make further provision for the conveyance of Mails by Railways: be it enacted, by The Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Repeals the 11th section of the 7 & 8 Vict. c. 85.

The eleventh section of the Act of the 7th & 8th Victoria, cap. 85, is hereby repealed.

Postmaster-general may require the mails to be conveyed, under the 2 Vict. c. 98, at any rate of speed not exceeding the maximum rate prescribed for the conveyance of passengers, as shown by the published time bills.

II. It shall be lawful for the Postmaster-general to require, in the manner prescribed by the Act passed in the second year of the reign of Her present Majesty, cap. 98, for providing for the conveyance of mails by railways, that mails and post letter-bags shall be conveyed and forwarded by any railway company on their railway, under and pursuant to such last-mentioned Act, at any rate of speed which shall not exceed the maximum rate of speed prescribed by the directors of such company for the conveyance of passengers by any of their trains, as shown by the published time bills of any such railway company in force at the time any such requisition shall be made; and such railway company shall convey and forward the mails and post letter-bags accordingly, provided as high a rate of speed as that required shall have been run by any of their trains, as shown by the published time bills of any such company for the space of six weeks immediately previous to any such requisition being given, and provided the commissioners for the time being of railways shall not, by notice in writing under their hands delivered to the Postmaster-general, declare the rate of speed so required to be unsafe.

Provided as high a speed shall have been run six weeks immediately previous to notice:

Unless Commissioners of Railways declare such speed to be unsafe.

Mail guards may be sent with mail bags upon the same conditions as any other passenger.

III. It shall be lawful for the Postmaster-general to send any mail guard with mails and post letter-bags, not exceeding the weight of luggage allowed to any other passenger (or if they should exceed such weight, subject to the general rules of the company for any excess of that weight), by any trains other than a mail train, upon the same conditions in all respects as any other passenger may travel thereby.

Postmaster-general may require that no passengers be conveyed by a train conveying the mails, under the 2d Vict. c. 98, other than passengers paying the highest rate of fares.

IV. It shall be lawful for the Postmaster-general, if he shall think fit, by giving 28 days' notice in writing to any railway company, to require that any such railway company shall not carry or convey by any mail train, the hours or times for the despatch of which shall be regulated or directed by the Postmaster-general, by notice in writing, under the provisions of the said Act passed in the second year of the reign of Her present Majesty, cap. 98, any other passengers than passengers whose fares are charged at the highest rate of charge for travelling on their railway by any of their trains, together with the luggage usually allowed to such passengers by such railway company; and in case any such notice shall be so given, no passengers whatsoever, other than passengers whose fares are charged at the highest rate of charge as aforesaid, and no goods whatsoever, other than any such luggage as last hereinbefore mentioned, shall be carried or conveyed by such railway company by any such mail train.

Postmaster-general may send the mails by any ordinary trains, at fixed rates of mileage per average weight, &c.

One Penny per mile for weight not exceeding 112 lbs.

One Halfpenny per mile for any additional weight, not exceeding 112 lbs.

V. It shall be lawful for the Postmaster-general at any time, after giving seven days' notice in writing to any railway company, to send upon any railway, worked or used by any such railway company, any mails or post letter-bags, either with or without an officer of the Post-office in charge thereof, by every train, or by any particular train or trains he may think fit, at a charge, during the performance of any such service by any such railway company, of 1 *d.* per mile, for any weight not exceeding 112 lbs. average weight, of such mails or post letter-bags, and at a charge of one halfpenny per mile for any weight not exceeding 112 lbs. average weight thereof over and above the first 112 lbs. weight, such charge to include the conveyance of any officer of the Post-office in charge of such mails or post letter-bags, which mileage shall be paid for the entire distance any such mails or post letter-bags shall be conveyed by any one such railway company on any one such service by any such train or trains, whether the same shall travel over their own line of railway or over the line or lines of any other railway company, or over any one or more line or lines of railway,

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railway, and shall be reckoned and computed to commence at the first terminal or other first station from which any such mails or post letter-bags shall be despatched or sent and conveyed by any such railway company by any such train or trains, and to terminate and end at the last terminal or other last station to or at which any such mails or post letter-bags shall be sent or left and conveyed by the same railway company on any one such service; and the mails and post letter-bags taken up or received, or delivered or left, at any place on the line of any railway by any such railway company, between the said first terminal or other first station and the said last terminal or other last station, shall be included in the mileage to be paid for such average weight; provided, nevertheless, that the Postmaster-general may, if he think fit, by notice in writing to any such railway company, require the whole inside of any carriage, either first-class or second-class, as any such company shall think fit, or any compartment or compartments of any such carriage in every or any train on their railway, for the conveyance of mails and post letter-bags and officers of the Post-office, and such railway company shall, within [blank] days after such notice shall have been so given, appropriate and provide the same accordingly; and if any compartment or compartments, or the whole inside of a carriage, shall be so required of and provided by any railway company for the conveyance of any such mails and post letter-bags and officers of the Post-office, then, in lieu of the mileage hereinbefore mentioned, the rate of charge for the conveyance of such mails, post letter-bags and officers, shall be as follows; (that is to say), for one compartment of any such carriage, 2 *d.* per mile; for two compartments thereof, 4 *d.* per mile; and for the whole inside of any such carriage, 6 *d.* per mile, which charges shall be absolute and fixed as the remuneration for such services respectively, and shall be paid quarterly by the Postmaster-general to any railway company performing such services; and every such railway company shall and is hereby required to carry and convey by every or by any such train or trains as aforesaid upon their railway all mails and post letter-bags, together with any officer of the Post-office (if any) in charge thereof so sent, and which shall or may be taken to any terminal or other station on the line of their railway by any officer of the Post-office for the purpose of being sent, and the railway company shall and is hereby required to take up, receive, deliver and leave all such mails and post letter-bags, together with any officer of the Post-office (if any) in charge thereof, which shall be so sent, or taken to, or be left at, any terminal or other station at which the train or trains by which the same shall be sent shall stop on the line of their railway according to the destinations of such mails and post letter-bags respectively and officer of the Post Office (if any); and the railway company, and every officer, servant, and agent of such company shall permit any officer of the Post-office to enter upon any station and pass to the platform or other place where the train shall stop on the line of their railway for the purpose of delivering or leaving or receiving or taking away any mails or post letter-bags sent or to be sent as aforesaid.

One compartment, 2 *d.* per mile; two compartments, 4 *d.* per mile; whole carriage, 6 *d.* per mile.

Mode of ascertaining the average weight and mileage.

VI. The average weight of the mails and post letter-bags to be sent by any train under the provision for that purpose last hereinbefore contained, shall be ascertained and calculated in such manner, and the mileage thereupon payable under this Act shall be paid in such proportions as shall, either prior to or after the commencement of any such service, be fixed and agreed upon between the Postmaster-general and any such railway company, or, in case of difference of opinion between them, as shall be regulated or determined by the commissioners for the time being of railways, by writing under their hands, which regulation or determination the said commissioners are hereby authorized from time to time to revoke or alter as they shall think fit, and to make any other regulation or determination in lieu thereof, but so that any service which may be required by the Postmaster-general to be performed by any such railway company be not suspended, postponed, or deferred by reason of the remuneration payable under this Act for any such service not having been then fixed or agreed on between the Postmaster-general and any such railway company, or not having been then regulated or determined by the commissioners for the time being of railways.

Railway companies may, on giving seven days' notice, alter the times of despatch or arrival of any trains by which mails are forwarded under the 5th section, and the Postmaster-general may, on giving a similar notice, discontinue sending any such mails.

VII. Any railway company may make any alteration as to the times of despatch or arrival of any trains, by which mails or post better-bags shall be forwarded under the provision for that purpose hereinbefore in the fifth section contained; but as to any train by which the Postmaster-general shall usually send any mails or post letter-bags under the said last-mentioned provision, no such alteration shall be made until the expiration of seven days after notice in writing of the intended alteration shall have been given to the Postmaster-general by any such company; and after the Postmaster-general shall have usually forwarded any mails or post letter-bags under the said last-mentioned provision by any train on any railway, the sending of the same shall not be discontinued by the Postmaster-general until after seven days' notice in writing of his intention to discontinue sending the same shall have been given by the Postmaster-general to the railway company.

Postmaster-general may erect and use apparatus for leaving or taking up mail bags on any railway by which the mails shall be forwarded, under the 2d Vict. c. 98, or 11 Vict. c. 85.

VIII. It shall be lawful for the Postmaster-general at any time hereafter, provided the commissioners for the time being of railways shall not by notice in writing under their hands, delivered to the Postmaster-general, declare it to be unsafe or inexpedient so to do, to erect, set up, or make and use on the line of any railway by or upon which the mails and post letter-bags shall be or shall be intended to be sent and conveyed under the provisions of the said Act passed in the second year of the reign of Her present Majesty, cap. 98, or the said Act passed in the eleventh year of the reign of Her present Majesty, cap. 85, or either of them, at or near to any station, or upon any other spot or place on the line of such railway, any apparatus he may think fit for the purpose of leaving or taking up any such mails or post letter-bags at the time of the passing of any train upon such railway, and without stopping any such train, and from time to time wholly to take away any such apparatus, or to remove

remove the same to any other station, spot or place on the line of any such railway, and there use the same at his discretion; and every railway company on whose line of railway any such apparatus shall be or be used, shall and is hereby required to carry and convey upon their railway any mails or post letter-bags which shall or may be taken by any officer of the Post-office to any station, spot or place on the line of their railway where any such apparatus shall be and be used for the purpose of being sent under the provisions of the said two last-mentioned Acts, or either of them, and the railway company; and every officer, servant, and agent of such company shall permit any officer of the Post-office to enter upon any such station, spot or place for the purpose of delivering or leaving, or receiving, or taking away any such mails or post letter-bags; and the Postmaster-general shall pay to the railway company upon whose line of railway any such apparatus shall be so erected, set up, or made, or removed and used, such a sum of money as and by way of remuneration to such company for permission so to erect, set up or make, or remove and use every such apparatus as the said Postmaster-general and the said railway company shall mutually agree upon; and in case they shall not be able to agree on the amount of such remuneration, the same shall be determined by arbitration, in the manner prescribed in and by the said Act passed in the second year of the reign of Her present Majesty, cap. 98, with respect to the amount of remuneration or compensation to be paid by the Postmaster-general to any railway company for any services performed by them under the provisions of that Act.

Remuneration to the Company to be determined.

IX. If any railway company, or any officer, servant or agent of any railway company, shall refuse or neglect to carry or convey, or to take up or receive, or deliver or leave any mails or post letter-bags, or officers of the Post-office, if any, in charge thereof, which shall be taken by any officer of the Post-office to any terminal or other station on the line of their railway, for the purpose of being sent under the provisions of this Act, or any mails or post letter-bags which shall be taken by any officer of the Post-office to any other station, spot or place where any such apparatus as hereinbefore mentioned shall be and be used on the line of their railway, for the purpose of being sent under the provisions of the said Act passed in the second year of the reign of Her present Majesty, cap. 98, or the said Act passed in the eleventh year of the reign of Her present Majesty, cap. 85, or either of them, or shall refuse or neglect to permit any officer of the Post-office to enter upon any station of any such railway company, and to pass to the platform or other place where any train shall stop, or to enter upon any station or other spot or place on the line of any such railway, at or near to which any such apparatus as aforesaid shall be or be used, for the purpose of delivering, leaving, receiving or taking away any mails or post letter-bags sent, or to be sent, as aforesaid, or for any other purpose that may be necessary, either of erecting, setting up or making, taking away, removing or using or otherwise in relation to any such apparatus as aforesaid, or shall refuse or neglect to appropriate and provide for the conveyance of any mails or post letter-bags and officers of the Post-office the accommodations hereinbefore mentioned, or if any such railway company, or any such officer, servant or agent, or any other person whomsoever, shall do or commit any wilful damage, spoil or injury to any such apparatus as aforesaid, or to any part thereof, then and in every such case the railway company who or whose officer, servant or agent shall so refuse or neglect, and every such railway company, officer, servant, or agent, or other person who shall do or commit any such damage, spoil or injury as aforesaid, shall for every such offence forfeit and pay a sum not exceeding pounds, to be recoverable in like manner as pecuniary penalties not exceeding 20 *l.* are by the Act passed in the second year of the reign of Her present Majesty, cap. 98, authorized to be recovered.

Penalty clause.

X. Whenever the remuneration to be paid to any railway company for the conveyance of mails or post letter-bags, and officers of the Post-office, under and pursuant to the said Act passed in the second year of the reign of Her present Majesty, cap. 98, or under and pursuant to the said Act passed in the eleventh year of the reign of Her present Majesty, cap. 85, shall be referred to arbitration by virtue of the provision for that purpose contained in the first of the said two last-mentioned Acts, it shall be the duty of the arbitrators, or of the umpire, as the case may be, to determine and award such remuneration in the following manner, (that is to say) they shall determine to the best of their ability the bare additional cost unavoidably incurred by the railway company in performing the service which shall be in question, disregarding the costs incurred in respect of any other traffic conveyed by the same trains, to which bare additional cost shall be added one-fourth of the same for profit, and the total amount so ascertained shall be the sum awarded for the conveyance of the mails, post letter-bags, and officers of the Post-office, in any case in which there shall be no other traffic conveyed by the same trains; but when other traffic, whether of passengers, parcels, goods or any other kind, shall be conveyed by the same trains, and the railway company shall afford all ordinary facilities for such traffic, and shall not unduly divert the traffic to any other trains, then it shall be the duty of the arbitrators or umpire, as the case may be, to deduct from the total sum so arrived at as aforesaid one-fifth part of the average gross receipts for such traffic, and the remainder shall be the sum to be awarded, provided that such latter sum shall in no case be lower than the remuneration which would be payable under the provisions of this Act if the mails which shall be in question were conveyed by ordinary trains.

Mode in which the remuneration payable for the conveyance of the mails under the 2d Vict. c. 98, or 11 Vict. c. 85, is to be calculated and ascertained.

First the bare additional cost of the service to be determined.

Then one-fourth to be added for profit.

Then one-fifth of the average gross receipts for traffic by the same train to be deducted.

XI. Nothing herein contained shall in any manner prejudice or affect any of the powers and privileges given to the Postmaster-general by the said Act passed in the second year of the reign of Her present Majesty, cap. 98, or the said Act passed in the eleventh year of the reign of Her present Majesty, cap. 85, or either of them, otherwise than and except as is hereinbefore

Nothing herein to affect the powers, &c. given to the Postmaster-general by the 2d Vict. c. 98, or 11 Vict. c. 85.

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hereinbefore expressly provided, which said Acts shall (except as last aforesaid), remain in full force and operation as if this Act had not been passed; and the Postmaster-general shall have full power and authority at any time or times to apply and use the powers and privileges given to him by such respective Acts as altered by this Act for the conveyance of mails and post letter-bags and officers of the Post-office upon the railway of any railway company, and the powers and privileges given to him for the first time by this Act at his discretion.

No railway company to be liable to the penalties of the 1 Vict. c. 36 for conveying any mails or post letter-bags under this Act, or the 2d Vict. c. 98, or the 11th Vict. c. 85.

XII. No railway company shall be liable to any of the penalties prescribed by the Act passed in the first year of the reign of Her present Majesty, cap. 36, for conveying any mails or post letter-bags under the provisions of this Act, or of the said Act passed in the second year of the reign of Her present Majesty, cap. 98, or of the said Act passed in the eleventh year of the reign of Her present Majesty, cap. 85.

Service of notices.

XIII. Every notice by or from the Postmaster-general to any railway company given under the provisions of the said Act passed in the second year of the reign of Her present Majesty, cap. 98, or under the provisions of the said Act passed in the eleventh year of the reign of Her present Majesty, cap. 85, or under the provisions of this Act, may be signed either by the Postmaster-general, or by any or either of his secretaries on his behalf; and every such notice given under the provisions of this Act shall be considered as duly served on any such company, if the same be delivered to any one or more of the directors of such railway company, or to any secretary or clerk of such company, or be left at any station of or belonging to such railway company.

Any bye-law of railway companies contrary to the provisions of this Act to be void.

XIV. Every bye-law, order, rule, or regulation made, or to be made by any railway company contrary or repugnant to any of the enactments herein contained, shall be null and void.

Definition of terms.

XV. The term "railway," wherever used in this Act, shall include every railway already constructed, or hereafter to be constructed under the powers of any Act of Parliament; and the term "railway company," wherever used in this Act, shall be construed to include the proprietors for the time being of any such railway, and any lessees or tenants thereof, and any company of proprietors or persons who shall run passenger trains over any railway belonging to any other company or persons; and the term "mail train," wherever used in this Act, shall mean a train conveying the mails, according to the provisions of the said Act passed in the second year of the reign of Her present Majesty, cap. 98.

This to be deemed a Post-office Act.

XVI. This Act shall be deemed and considered to be a Post-office Act within the true intent and meaning of the Act passed in the first year of the reign of Her present Majesty, cap. 36, and the several provisions herein contained shall be construed according to the interpretations used and contained in the said last-mentioned Act.

The Right honourable the Postmaster-General.

My Lord, General Post-office, 1 January 1847.

In conformity with the instructions conveyed in your Lordship's minute of the 8th ultimo, I have the honour to submit the following Report on the existing arrangements between the Post-office and the various Railways in the United Kingdom, and on those alterations in the law which appear necessary or expedient for the public service:

By the existing law (1 & 2 Vict. c. 98, and 7 & 8 Vict. c. 85), the Postmaster-general is empowered to despatch a mail guard with bags by any train, the time of which is regulated by the company, on the same conditions as those which apply to any other passenger. The Postmaster-general is further empowered, with certain limitations as to speed, to fix the hours of departure and arrival of mail trains, and to prescribe the kind of carriage to be used by the Post-office; but when either of these latter powers is exercised, the remuneration to the company is determined by arbitration. By far the greater part of the railway post-office service is of the latter description.

Under the operation of this law, the expenditure of the Post-office, in the conveyance of mails in Great Britain (exclusive of those conveyed by horse, or cart, or on foot), has increased, since the opening of railways, from about 63,000*l.* to about 185,000*l.* per annum, of which latter sum about 140,000*l.* is paid to the railway companies (a detailed statement of the latter expenses, as complete as it can be made, is appended). But while the expenses have thus increased more than threefold, the weight of mail conveyed, which now, as heretofore, consists chiefly of newspapers, has increased only about twofold. It follows, therefore, that the Post-office does not (like the public at large), enjoy the important advantages of increased speed and accommodation at a reduced cost, but that it purchases them at a greatly enhanced price.

Part of this price, it must be admitted, is paid for the interference with the arrangements of each company, consequent on the time of departure and arrival of mails being necessarily placed under the control of the Postmaster-general, an interference which, although it existed before the establishment of railways, probably clashes more with railway interests than in former times it did with those of mail-coach proprietors. Other causes, which would account for some portion of the discrepancy between the cost to the Post-office of the two systems would require to be noticed, if it were intended to found any imputation on the railway companies, as arising out of the difference in prices.

But the reference to arbitration, besides causing, apparently at least, an undue charge on the Post-office, is in other respects unsatisfactory. The machinery is expensive, uncertain in its

its operations (giving in some instances far too high, in others possibly too low a rate of remuneration), and in one instance has been, notwithstanding every effort on the part of the Post-office to obtain a decision, attended with most inconvenient delay. These evils appear to result chiefly from the absence of any fixed principles for the guidance of the arbitrators. On the passing of the Act, it was avowedly left an open question whether the undoubted prerogative of the Crown to use the railroads, like other highways, free of toll, should or should not be waived, and this is only one among several important principles still undecided. Indeed, as will appear on reference to the Report of the Select Committee on Railroads of 1838 (p. iii.), the measure was considered as a temporary one, to be superseded so soon as experience of the working of railways should have afforded the requisite data for laying down a scale of charges. It is submitted that the experience of the last eight years is more than sufficient for this purpose, and, consequently, that the time originally contemplated by the Legislature for the amendment of the law has now arrived.

Previously, however, to the discussion of a scale of charges, it will be convenient to consider to what extent the Post-office would employ the railways, if its desire to afford the public the maximum amount of convenience were not restrained by a necessary regard to economy.

Under the view of this subject, the requirements of the Post-office would, in my opinion, be as follows:

1. A despatch of mails twice a day, at hours to be fixed by the Postmaster-general by every railway to all places on the line.

2. A despatch of mails to all large towns by most of the intermediate trains.

3. The use of every station as a post-office.

As regards the amount of accommodation in the trains, the Post-office would probably require for each of the two principal daily mails a travelling post-office (in which letters would be sorted, conveying a guard, and one or more sorters), on every main line, terminating in London, and on some of the more important cross lines; and an imperial, or, if preferred by the company, a portion (partitioned off) of a second-class compartment for the guard and bags on most of the other lines. The smaller principal mails, and all the intermediate mails, might be placed in charge of the companies' guards. The size of the travelling post-office would, of course, depend on the amount of correspondence; on a few of the great trunk lines, one or more whole carriages would be required; but in most cases a compartment of a second-class carriage, or two compartments united in one, would probably suffice.

As regards the conversion of each station into a post-office, little more would be necessary, at the great majority of stations, than to suspend a letter-box or bag in the booking office, under the care of the company's clerk. At a few principal stations the post-office would require a room for its exclusive use, and would supply its own clerks.

The convenience which the public would derive from the more extended use of railways, as now contemplated, would be very great; at present the travelling post-office is confined to the lines between London and Preston, and London and Newcastle-on-Tyne: its use on all main lines would greatly facilitate the communication throughout the kingdom, and would probably afford the means of greatly abridging the interval which now elapses between the arrival of the mails in London, and other large towns, and the delivery of their contents.

The advantage of more frequent communication between large towns is obvious. The despatch of mails by the ordinary trains between London and Brighton has in effect brought Brighton within the limits of the London District Post, and has saved much time in the communication between Brighton and all places north of London. In Belgium, and other parts of the Continent, stations are used as post-offices, and many important conveniences result therefrom.

But the additional facilities now contemplated, valuable as they undoubtedly would be to the public, would be dearly purchased at the rates of remuneration now awarded to the companies; and I cannot hope to see the plan realized, unless the companies can be induced to accept more moderate terms. This extended service is, in fact, one which must be had at a cheap rate, or not at all.

In their dealings with the public, the railway companies treat any traffic which will not bear heavy charges in a peculiar manner. The charges for some of the excursion trains, and for the conveyance of certain minerals, for instance, if they included a proportionate share of the fixed expenses (interest of capital and cost of establishment), would be so high, that on many lines the traffic would not bear the expense; and being aware of this fact, the companies, acting on an enlightened view of their own interests, regulate their charges accordingly, well knowing that it is better to be satisfied with a small profit on such traffic, than to lose it altogether.

If the companies would treat the Post-office as they treat the public in this respect, they would confer a great benefit, not only without sacrifice, but with some gain on their own part.

With regard to companies not yet formed, there would, of course, be no unfairness in requiring them to conform with a scale of moderate rates of charge; the difficulty lies in dealing with the existing companies; and here I wish to be distinctly understood to repudiate all idea of compulsion, direct or indirect. The railway companies, with few exceptions, have frequently made great exertions to promote the service of the mails, and are, I think, entitled to liberal treatment in return; the question therefore is, can the existing companies be induced voluntarily to assent to the arrangements in view? I think this may be accomplished,

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plished, and with great advantage to all parties. The question, however, necessarily leads to the consideration of matters which I fear may be thought to be scarcely within the scope of this Report.

The means which occur to me as best calculated to effect this object, are to empower the Railway Commissioners to proceed as follows; viz.,—

1. To issue a general tariff of charges for the conveyance of mails constructed, as far as practicable, on the principle of repaying the company the additional expense incurred in the service, plus a fixed per-centage (say five per cent. on such additional expense) for profit.

[The charges would, of course, be made to vary with the amount of accommodation required; they should be low when the time of the trains is regulated by the companies, and they should be higher when it is fixed by the Postmaster-general, more especially when the hours are such that there is little probability of passenger or goods traffic, and, above all, when a night police and other attendants are specially required for the mail service.]

2. To decide all questions which may arise between the Post-office and any railway company.

3. To issue a general tariff of maximum fares for passengers and charges for goods, minerals, &c., to be demanded of the public. Trains whose speed exceeds a certain rate to be excepted from the rule, provided their number do not exceed a certain proportion of the whole.

[In each tariff the mileage should be reckoned according to the shortest high road, including the railway itself, between town and town, otherwise the motive to make lines as direct as possible, would be weakened.

This principle of charge, the fairness of which appears unquestionable, is already adopted by some companies.]

4. To revise such general tariffs from time to time, perhaps only at certain fixed periods.

5. Subject to such regulations as Parliament may impose for securing fairness towards all parties interested to adopt a territorial division of the surface of the kingdom, reserving, as open to new companies, any district in which the public interests would be served by the construction of new and independent lines, but assigning to each existing company, on the conditions named hereafter, so much of the district on each side of its line as can be most advantageously served by such company, a provision being made that if at any time the Railway Commissioners should be of opinion that the public interests require that a railway of a given description should be made within such assigned territory, it shall be competent to the Commissioners to call upon the company to which the district is so assigned, to construct the line, with the consent of Parliament; and if the company refuse or neglect so to do within a given time, to offer such line to the public at large.

[It would tend to give the companies confidence in the judicious exercise of these powers, and would, I think, be perfectly safe and equitable, if, whenever a company were called upon by the Railway Commissioners to construct a line, the company were entitled to claim a loan from Government, to the extent of its powers of borrowing in respect of such line at $3\frac{1}{2}$ per cent. per annum.]

6. To declare that the whole of these arrangements shall apply to all companies hereafter to be formed.

7. To offer to each existing company the option, within a certain period, to accept the same conditions, or to continue in its present position.

Such, I submit, is one mode of effecting the objects in view, and I venture to suggest it, because I feel it to be my duty to lay before your Lordship a plan which is complete in itself.

With regard to the operation of the proposed arrangements, I beg, first, to draw your Lordship's attention to the manner in which it would affect the interests of the Post-office, and of the public at large;

1. It would secure the cheap conveyance of the mails, and greatly promote the extension and perfection of the system of Post-office distribution.

2. It would secure the establishment of moderate fares, without resorting to competition, which it is now generally admitted would, in its permanent results, be as injurious to the public as to the companies—[*Vide* Second Report of the Select Committee on Railways Acts Enactments (1846), Evidence, &c., under the head "Competing Lines"].

[It is scarcely necessary to point out that it is not desirable that fares should be reduced below the remunerative point. An unprofitable railway is not likely to be conducted with due regard to the comfort, or even safety of the public.]

3. It would secure the completion of the railway system at the least expenditure of capital, and in a manner most conducive to economy in working.

4. It

4. It would repress rash and unprincipled speculation; and, Appendix, No. 8.

5. It would relieve Parliament from the drudgery of investigating hastily devised and useless projects.

Next, as to the manner in which such an arrangement would affect the interests of the companies:

1. It would relieve them from the ruinous expenditure now necessary to defend their property from aggression.

2. It would enable them to take advantage of the cheapness of labour or materials, and abundance of capital, gradually to extend the ramifications of their lines to all places capable of affording a remunerative traffic. At present such extensions are frequently made with little regard to prices, or to the scarcity of money, from the necessities to which the companies are subjected by the fear of competition.

And, finally, it would greatly benefit both the public and the companies, by enabling the directors and other officers to devote their time and energy (now mainly absorbed in Parliamentary contests) to the internal management of their affairs, thus conducing to economy and to the comfort and safety of their passengers.

All these important results would be obtained without any sacrifice whatever on the part of the public. Would there be any on the part of the companies?

It has already been shown that the additional facilities required by the Post-office might be granted without sacrifice; but as the reductions would, of course, extend to the present service also, it is probable that some companies which now derive large profits from the conveyance of the mails, would have to sacrifice some portion of such profits; but, assuming the tariff of charges to be constructed on the principles now suggested, the companies would in no case be exposed to loss, or altogether deprived of profit.

As regards the fares, it must be borne in mind, that every company which obtained its Act in either of the last two Sessions of Parliament, and all companies previously formed which have recently obtained Acts of amalgamation, are already subject to any future revision or alteration under the authority of Parliament, of the maximum rates and charges, and this without limitation as to time or other circumstances; it is questionable, therefore, whether such companies would sacrifice anything in respect of these rates and charges. There are doubtless some companies still free from this obligation; but as all would have the option of remaining in statu quo, none could justly complain.

I have thought it best to lay before your Lordship the principles of the change contemplated in your Lordship's Minute distinct from all matters of detail; to which, however, I shall apply myself without delay, in the event of those principles receiving the sanction of Her Majesty's Government.

I have, &c.
(signed) *Rowland Hill.*

Appendix, No. 9.

FACTS in support of the Principle of Award proposed by Mr. *Rowland Hill* (Ev. 4414-15). Appendix, No. 9.

Chester and Manchester Direct Railway.

In order to improve the postal communication of Manchester with Ireland, the Postmaster-General proposed to employ the direct Railway from Chester to Manchester, there being ordinary trains running at suitable hours.

The company were requested to state for what rate of remuneration they would undertake to convey the bags by the passenger trains in question, and they demanded the exorbitant sum of 2*s.* a mile for the service. It was not proposed to bind the company to continue the trains; but it is only fair to state, that in making this demand, the company stated that there was not much probability of the trains referred to being continued, but that they would undertake to continue them for the price named.

These terms were of course rejected by the Post-Office. Had they been acceded to it, the payment would have amounted to 2,433*l.* a year.

In order to afford at a reasonable rate the accommodation sought for, the Postmaster-General appointed a messenger, at 1*l.* 1*s.* per week, to travel by the train (which continued to run), in charge of the bags, paying his fare as a passenger. This arrangement costs the

Appendix, No. 9.

department only about 94 *l.* a year for the railway service, and 55 *l.* for the messenger, amounting together to 149 *l.* a year, instead of 2,433 *l.*, the sum demanded by the company.

This service is a peculiar one, otherwise the arrangement adopted would have been impracticable.

Belfast and Ballymena Railway.

The payment for the conveyance of the mails between Belfast and Ballymena (33 miles) was fixed by arbitration at 4 *s.* a mile, or about 2,396 *l.* a year, for the train from Belfast; and 1 *s.* a mile, or about 698 *l.* a year, for the train from Ballymena; amounting to a total annual payment of nearly 3,000 *l.*

The Postmaster-General decided to discontinue the use of the train from Belfast, paid for at 4 *s.* a mile. He therefore served the railway company with notice to quit that portion of the service, and made arrangements for performing the service by coach and car, for a payment of 414 *l.* a year. This led to an offer being made by the company to accept 3 *s.* instead of 4 *s.* a mile for continuing the train; but the Postmaster-General declined this offer as being too high.

The directors then made a further proposal to continue the service in question by means of a luggage train at a reduced speed, but still at a speed exceeding that of a coach, for a payment at the rate of 1 *l.* a day, or 365 *l.* a year, being less than the sum which would have been paid for conveying the bags by coach. The Postmaster-General at once accepted this offer. The saving to the revenue by the adoption of these measures amounted to nearly 2,000 *l.* a year.

Londonderrry and Strabane Railway.

Previous to March 1849 the payment made under arbitration for conveying the Dublin mail between Londondeery and Strabane was 202 *l.* 1 *s.* 1 *d.* a year.

A fresh arbitration was demanded by the Company, and the future payment for the service was fixed by award at 903 *l.* 19 *s.* 1 *d.* a year, being 2 *s.* 4½ *d.* a mile for the train from Strabane, and 1 *s.* a mile for that from Londonderry.

It appearing, however, that the service might be performed by coach at a much less expense, and under arrangements which would leave the accommodation to the public undisturbed, a notice was served for the discontinuance of the railway service.

This step led to an offer being made by the Company to accept payment at the rate of 8 *d.* instead of 1 *s.* a mile for the train from Londonderry, and 1 *s.* 6 *d.* instead of 2 *s.* 4½ *d.* a mile for the train from Strabane, being a reduction of expense to the amount of 323 *l.* a year.

This reduced offer was accepted.

Irish South-Eastern and Waterford and Kilkenny Railway Companies.

Application was made to these two companies to state the terms on which they would undertake the conveyance of the day mail by ordinary passenger trains then running.

The Irish South-Eastern Company demanded 7½ *d.*, and the Watford and Kilkenny Company 9 *d.* per single mile.

These terms being considered exorbitant, and much higher than the correspondence would justify, were rejected.

The Postmaster-General subsequently made a further attempt to induce the companies to accept a reasonable payment for the service, and offered to pay the companies according to either of the three following modes; viz.,

1. To send a Post-office messenger in charge of the bags, paying his fare as a second-class passenger, and paying for the mail-bags the same as for a passenger's luggage.

2. To send the bags in charge of the company's guards, paying, besides the ordinary daily fare of a passenger, the additional sum of ½ *d.* a mile, as a remuneration for taking the bags without a Post-office guard.

3. To send the bags as parcels; each bag, though not delivered at the cost of the company, to be charged for at the company's usual parcel rates.

The Postmaster-General distinctly pointed out that he stipulated for no right of interference with the company's trains; all he asked for was, that they should convey the bags by such trains as they thought proper to run for the purposes of their ordinary traffic.

Both companies declined to undertake the service on either of the conditions named.

The Postmaster-General therefore served notices on the companies, requiring them to perform the service in question by their ordinary passenger trains, expressly pointing out

that

that the companies were at liberty to alter the hours of the trains employed as they thought proper. Appendix, No. 9.

The payment for this service was subsequently referred to arbitration, and the remuneration awarded to each company was at the rate of 4*d.* per single mile. Even this is a higher rate than the correspondence will well bear; it also exceeds the cost of a mail cart.

Appendix, No 10.

LETTER from the Right Hon. *E. Cardwell*, M.P., to the Right Hon. The Speaker of the House of Commons. Appendix, No. 10.

Sir, Board of Trade, 6 June 1853.

As Chairman of the Committee on Railway and Canal Amalgamations, I am engaged in preparing a Draft Report to be submitted to them on this day week.

It has appeared in evidence, that one of the most important objects which could result from our labours would be the adoption by Parliament of some mode of dealing with railway legislation, more consistent, more uniform, and more comprehensive than the present plan.

It would, however, be idle for us to recommend in general terms a change of this kind, unless we had reason to hope that by some new arrangement of the proceedings in private business, with respect to Railway Committees, it would be possible to carry it into practical effect.

It has occurred to me that there might be a Committee of a character more permanent than has heretofore been the practice, which might take a more comprehensive view of all schemes submitted to Parliament in every Session; that to this Committee the Railway Department of the Government shall afford all the assistance which the Committee may desire.

That the Committee should make provision for facilitating the passing of unopposed Bills, and for the investigation of contested Bills; should divide the whole country into districts, upon the plan of territorial arrangement, that they should collectively decide all questions of principle and questions in the decision of which more than one district might be interested, and should so direct the investigation of schemes within the respective districts, as to secure for the public, within reach of them, the utmost advantage which might be derived from a judicious combination of new lines with those which already exist.

That the rules of *locus standi* be adapted to the necessity which exists for trying in a direct manner, and with a comprehensive regard to the general advantage, the public issue involved in any scheme; and that provision be made for the payment of costs, in case the Committee shall consider the opposition to have been illusory, vexatious, or unwarranted.

That no scheme shall be investigated without security being taken, that in the event of its passing into a law, the works will be actually made.

I have, &c.
(signed) *Edward Cardwell.*

LETTER from the Right Hon. The Speaker of the House of Commons to the Right Hon. *E. Cardwell*, M.P.

Sir, House of Commons, 8 June 1853.

In dealing with Railway and Canal legislation upon some more consistent and comprehensive plan, I presume it is the wish of your Committee to depart as little as possible from the rules which govern the proceedings of The House with reference to all other Private Bills. I will not therefore stop to inquire what further improvement may advantageously be introduced into the present mode of conducting the private business of The House, but proceed at once to explain how your object can be best obtained. In the year 1837, a Committee, of which I had the honour to be Chairman, was for the first time appointed, to whom were referred all petitions for Private Bills, and it was their duty to decide how far the Standing Orders had been complied with in each case. This Committee was strictly of a judicial character, and it consisted of 42 members, who had the power of forming themselves into sub-committees for the greater despatch of business. The Committee, however, met

Appendix, No. 10.

occasionally in a body to discuss and settle points of practice, whereby a greater uniformity of decision and a more consistent practice was introduced than had been known to this class of Committees in any former period. This plan was subsequently discontinued in 1846, and the Examiners of Petitions for Private Bills were substituted for this peliminary Committee. I need not enter fully into the reasons which led to this change; but I may state, that as the sub-committees were required to adjudicate upon all the Petitions for Private Bills, the private business of the Session was inconveniently delayed: while the arrangements provided by the Standing Orders at that period for hearing the cases were so defective, that the parties were subjected to great inconvenience and expense. The Committee, however, was eminently successful in securing uniformity of practice; and it appears to me that a Committee on Railway and Canal Bills, constituted in the same manner, would form an efficient and satisfactory tribunal.

If you feel disposed to try the experiment, the Committee of Selection should be authorised, at the commencement of next Session, to appoint a Committee on Railway and Canal Bills, consisting of not less than 40 members, and to divide it into eight sub-committees of five members each, naming the eight chairmen, of whom one should preside over the whole Committee whenever they met to lay down rules for the conduct of business, or to settle points of practice. To a Committee so chosen all opposed Bills relating to railways and canals should be referred; while unopposed Bills might safely be dealt with in the same manner as at present. Care, however, should be taken to prevent delay, and to secure the consideration of these opposed Bills in regular order, and with a few ordinary precautions of this nature, I have every reason to believe such a plan would be successful.

I am, &c.
(signed) *C. S. Lefevre.*

Appendix, No. 11.

I.—RETURN OF THE ROLLING STOCK OF THE BROAD GAUGE RAILWAYS IN *ENGLAND*.

NAME OF COMPANY.	Number of Engines.	CARRIAGES FOR PASSENGERS.																HORSE BOXES.			CATTLE WAGGONS.			Carriage Trucks.	GOODS AND OTHER WA		
		FIRST CLASS.			SECOND CLASS.			THIRD CLASS.			COMPOSITE.					ANY OTHER DESCRIPTION.			Number.	HOLDING		Number.	HOLDING			Number.	HOLD
		Carriages.	Accommodation.		Carriages.	Accommodation.		Carriages.	Accommodation.		Carriages.	Accommodation.				Carriages.	Accommodation.			Each.	Total.		Each.	Total.			Each.
			Each.	Total.		Each.	Total.		Each.	Total.		1st Class.	2d Class.	3d Class.	Total.		Each.	Total.									
		Number.	Persons.	Persons.	Number.	Persons.	Persons.	Number.	Persons.	Persons.	Number.	Persons.	Persons.	Persons.	Persons.	Number.	Persons.	Persons.		Horses.	Horses.		Cattle.	Cattle.			Tons.
mingham & Oxford Junc-on.	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -
tol and Exeter - -	34	15	32	480	25	50	1,250	6	66	396	9	16	25	—	369	4 Break Vans 2 Luggage Vans. 2 Post Office Vans.	—	20	3	60	237	7	1,659	20	134	6	
er and Crediton - -	2	1	32	32	1	60	60	1	60	60	2	20	36	—	112	—	—	—	2	3	6	6	8	48	—	14	6	
cester and Dean Forest -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	
Western - - -	193	129	32	4,128	6	36	216	8	50	400	12	16	24	—	480	57 Luggage Vans	—	3	3	9	1,243	8	9,944	198	1,424	4 to 6	
		13	24	312	90	60	5,400	1	60	60	9	16	28	—	396	32 Goods Vans	—	131	4	524	—						
		8	18	144	59	72	4,248	12	90	1,080	10	16	36	—	520												
		3	16	48	54	84	4,536	10	56	560	2	24	52	—	152												
		8	18	144	—	—	—	10	78	780	—																
		3	16	48	—	—	—	8	72	576	—																
Devon Railway and k.	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -
Devon - - -	10 Engines belonging to contractors who work the line.	17	32	544	24	60	1,440	15	48	720	—	—	—	—	—	Break Vans	—	12	4	48	6	8	48	12	76 12 Ballast Trucks. 2 Rail.	5	
Wales - - -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -
Totals - - -	239	197	—	5,880	259	—	17,150	71	—	4,632	44	—	—	—	2,029	103	—	—	168	—	647	1,492	—	11,699	230	—	—

2.

II.—RETURN OF THE ROLLING STOCK OF THE NARROW GAUGE RAILWAYS IN *ENGLAND*.

ANY.	Number of Engines.	CARRIAGES FOR PASSENGERS.																HORSE BOXES.			CATTLE WAGGONS.			Carriage Trucks.	GOODS AND OTHER W	
		FIRST CLASS.			SECOND CLASS.			THIRD CLASS.			COMPOSITE.					ANY OTHER DESCRIPTION.			Number.	HOLDING		Number.	HOLDING			HOI
		Carriages.	Accommodation.		Carriages.	Accommodation.		Carriages.	Accommodation.		Carriages.	Accommodation.				Carriages.	Accommodation.			Each.	Total.		Each.	Total.		Number.	Each.
			Each.	Total.		Each.	Total.		Each.	Total.		1st Class.	2d Class.	3d Class.	Total.		Each.	Total.								
		Number.	Persons.	Persons.	Number.	Persons.	Persons.	Number.	Persons.	Persons.	Number.	Persons.	Persons.	Persons.	Persons.	Number.	Persons.	Persons.		Horses.	Horses.		Cattle.	Cattle.		Tons.
- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -
ham and ern Junc-	6	1	24	24	2	32	64	4	40	160	2	6	16	—	44	3d Class 2	40	80	2	3	6	14	6	84	1	56	5
von -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -
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hire and -	26	19	18	342	44	30	1,320	14	24	336	3	6	16	—	66	2 8 4	Post-office Tenders - Passenger Vans. Goods Vans.		7	3	21	8	8	64	3	100 94	6 ½ 4 ½
hampton	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -
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- -	12	—	—	—	4	24	96	5	24	120	5	24	—	—	120	—	—	—	—	—	—	—	—	—	—	1,267 46 7 2	2 13 ct. 2 ½ 3 Lugg
idge -	3	1	20	20	1	16	16	1	30	30	—	—	—	—	—	—	—	—	—	—	—	—	—	—	23	26	5
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rkington	3	2	18	36	1	24	24	3	45	135	—	—	—	—	—	—	—	—	—	—	—	1	12	12	—	11	4
					1	30	30															1	18	18			
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y -	1	—	—	—	—	—	—	—	—	—	1	8	8	8	24	—	—	—	—	—	—	—	—	—	160	—	—
Docks, nction.	—	4 2 2	40 34 24	160 68 48	34 8	45 30	1,530 240	—	—	—	6 2	10 20	24 20	— —	204 80	—	—	—	—	—	—	—	—	—	—	24 337	4 Coal 4 ½
- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -

NAME OF COMPANY.	Number of Engines.	CARRIAGES FOR PASSENGERS.																HORSE BOXES.			CATTLE WAGONS.			GOOD
		FIRST CLASS.			SECOND CLASS.			THIRD CLASS.			COMPOSITE.					ANY OTHER DESCRIPTION.			Number.	HOLDING		Number.	HOLDING		Carriage Trucks.	Numb
		Carriages.	Accommodation.		Carriages.	Accommodation.		Carriages.	Accommodation.		Carriages.	Accommodation.				Carriages.	Accommodation.			Each.	Total.		Each.	Total.		
			Each.	Total.		Each.	Total.		Each.	Total.		1st. Class.	2d Class.	3d Class.	Total.		Each.	Total.							
ENGLAND—*continued.*		Number.	Persons.	Persons.	Number.	Persons.	Persons.	Number.	Persons.	Persons.	Number.	Persons.	Persons.	Persons.	Persons.	Number.	Persons.	Persons.		Horses.	Horses.		Cattle.	Cattle.		
Eastern Counties - -	180	127	24	3,048	178	32	5,696	185	50	9,250	59	12	16	—	1,652	1 1 1 1 69	Horse coach. Milk van. Bread ditto. Stores ditto. Luggage ditto.		97	3	291	719	7	5,033	82	3,266 48 83 1
Eastern Union - - -	27	15	24	360	20	50	1,000	22	50	1,100	11	6	40	—	506	15	Parcels vans - -		13	3	39	126 10	6 Sheep 40	756 400	13 —	147 45 520 61
East Lancashire - - -	55	27	18	486	42	24	1,008	61	30	1,830	15	6	16	—	330	14	Passenger vans -		6	3	18	56	6	336	5	1,207 14
East Lincolnshire - -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	-
Furness - - - - -	6	4	18	72	9	32	288	2	32	64	3	8	16	—	72	—	—	—	1	6	6	1	6	6	—	76
Great Northern - - -	228	108	18	1,944	166	32	5,312	110	32	3,520	64	21	21	—	2,688	148	Break vans - -		74	3	222	216 20	6 Sheep vans. 60	1,296 1,200	54	2,789 481 1,302 28
Great North of England, Clarence, and Hartlepool Junction.	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	-
Hartlepool Dock and Railway	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	-
Hull and Selby - - -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	-
Kendal and Windermere -	3	3	8	24	3	50	150	2	40	80	2	40	20	—	120	1	Guard's van - -		—	—	—	—	—	—	—	2
Lancashire and Yorkshire -	220	106	18	1,908	322	35	11,270	55	40	2,200	66	6	20	—	1,716	56	Luggage vans - -		39	3	117	176	12	2,112	15	4,472
Lancaster and Carlisle - -	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
Lancaster and Preston Junction.	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	96	6	576	—	375
Leeds and Bradford - -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	-
Leeds Northern - - -	29	21	18	378	24	32	768	20	36	720	12	6	16	—	264	18 Guards and parcels vans -			7	3	21	110	8	880	10	1,209
Liskeard and Caradon - -	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
Liverpool, Crosby, and Southport.	7	6	42	252	6	—	240	6	42	252	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	12
Llanelly Railway and Dock -	5	—	—	—	—	—	—	2	30	60	2	8	15	—	46	—	—	—	1	3	3	6	8	48	1	12
Lynvi Valley - - -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	430
London and Blackwall -	9	10	40	400	7 20	50 40	350 800	—	—	—	4 3	10 20	30 20	—	160 120	4 Vans	20 2d Class.	80	—	—	—	—	—	—	—	-

Number of Engines.	CARRIAGES FOR PASSENGERS.															HORSE BOXES.			CATTLE WAGGONS.			Carriage Trucks.	GOODS AND OTHER WAGGO		
	FIRST CLASS.			SECOND CLASS.			THIRD CLASS.			COMPOSITE.					ANY OTHER DESCRIPTION.			Number.	HOLDING		Number.	HOLDING			Number.	HOLDING
	Carriages.	Accommodation.		Carriages.	Accommodation.		Carriages.	Accommodation.		Carriages.	Accommodation.				Carriages.	Accommodation.			Each.	Total.		Each.	Total.			Each.
		Each.	Total.		Each.	Total.		Each.	Total.		1st Class.	2d Class.	3d Class.	Total.		Each.	Total.									
	Number.	Persons.	Persons.	Number.	Persons.	Persons.	Number.	Persons.	Persons.	Number.	Persons.	Persons.	Persons.	Persons.	Number.	Persons.	Persons.		Horses.	Horses.		Cattle.	Cattle.			Tons.
629	495	—	8,728	570	—	19,388	84	24	2,016	37	6	16	—	814	1	State carriage.		280	3	840	216	8	1,782	244	878	3
							1	28	28	52	6	24	—	1,560	9	Travelling post-offices.					399	6	2,384	—	537	3½
							71	30	2,130	1	12	32	—	44	17	Tenders to post-offices.						Sheep vans.		—	887	4
							39	38	1,482	—	—	—	—	—	213	- - Luggage, parcel, and guards' vans.					50	70	3,500	—	3,133	4½
							113	40	4,520	—	—	—	—	—							10	74	740	—	558	5
							12	50	600	—	—	—	—	—	18	Trucks.					172	120	20,640	—	74	5½
							27	60	1,620	—	—	—	—	—	—						—	—	—	—	1,935	6
																									16	7
																									5	—
																									178	Breakman's wag
120	130	—	2,480	191	—	5,996	100	42	4,200	48	6	16	—	1,056	37	Guards' vans.		47	3	141	84	—	504	61	1,301	5
115	134	18	2,412	12	28	336	71	32	2,272	16	6	16	—	352	Coupé, 19	18	342	94	3	282	106	7	742	79	1,775	5
	10	24	240	162	32	5,184	89	50	4,450	2	8	40	—	96	Parliamentary. 2	30	60	—	—	—	—	—	—	—	112	3½
	2	30	60	4	40	160	7	60	420	—	—	—	—	—	9	46	414	—	—	—	—	—	—	—	30	4½
				13	50	650	—	—	—	—	—	—	—	—	14	48	672									
															15	54	810									
															79	Passenger break vans.										
112	47	18	846	85	40	3,400	110	50	5,500	4	6	20	—	104	Coupé, 4	22	88	25	3	75	201	—	1,206	11	3,721	4½
															23	Break vans.										
11	4	18	72	10	24	240	8	32	256	2	6	16	—	44	—	—	—	3	3	9	14	9	126	3	75	4
331	7	10	70	170	30	5,100	302	40	12,080	69	6	20	—	1,794	14	Post-offices and tenders.		114	3	342	450	6	2,700	100	7,369	5
Exclusive of 14 engines of North Western Company.	7	15	105	8	48	384	—	—	—	10	16	24	—	400	143	Passenger vans.										
	109	18	1,962	—	—	—	—	—	—	—	—	—	—	—	115	Goods breaks.										
	7	32	224																							
20	—	—	—	4	24	96	6	30	180	2	6	16	—	44	3	Break vans.		—	—	—	1	4	4	—	54	4
							5	40	200	2	6	8	20	68	1	Powder van.		—	—	—	—	—	—	—	45	5
							3	60	180	2	11	24	—	70	—	—	—	—	—	—	—	—	—	—	4	2½
36	7	18	126	1	32	32	22	40	880	4	6	16	—	88	—	—	—	15	3	45	80	7	560	9	200	3
	4	15	60	24	24	576	22	24	528	1	8	8	—	16	—	—	—	—	—	—	13	5	65	—	140	3

NAME OF COMPANY.	Number of Engines.	CARRIAGES FOR PASSENGERS.																	HORSE BOXES.			CATTLE WAGGONS.			Carriage Trucks.	GOODS AND
		FIRST CLASS.			SECOND CLASS.			THIRD CLASS.			COMPOSITE.					ANY OTHER DESCRIPTION.			Number.	HOLDING		Number.	HOLDING			
		Carriages.	Accommodation.		Carriages.	Accommodation.		Carriages.	Accommodation.		Carriages.	Accommodation.				Carriages.	Accommodation.			Each.	Total.		Each.	Total.		
			Each.	Total.		Each.	Total.		Each.	Total.		1st Class.	2d Class.	3d Class.	Total.		Each.	Total.								
ENGLAND—*continued.*		Number.	Persons.	Persons.	Number.	Persons.	Persons.	Number.	Persons.	Persons.	Number.	Persons.	Persons.	Persons.	Persons.	Number.	Persons.	Persons.		Horses.	Horses.		Cattle.	Cattle.		Number.
Newmarket																										
Norfolk																										
Northern and Eastern																										
Northern and South-Western Junction.																										
North Staffordshire	58	2	21	42	22	40	880	86	44	3,784	59	12	20	—	1,888	—	—	—	36	3	108	100	8	800	33	1,006
North Union																										
North Western																										
Oxford, Worcester and Wolverhampton.	10	9	18	162	15	32	480	17	36	612	1	6	16	—	22	2	Goods break vans.		—	—	—	—	—	—	—	206
																6	Passenger break vans									
Preston and Longridge	2	1	18	18	—	—	—	8	24	192	2	6	16	—	44	—	—	—	—	—	—	—	—	—	—	103
Royston and Hitchin																										
St. Helen's Canal and Railway.	20	2	20	40	—	—	—	4	40	160	2	24	36	—	120	—	—	—	—	—	—	—	—	—	—	300
								2	20	40																
Saundersfort Railway and Harbour.																										
Sheffield, Rotherham, Barnsley, Wakefield, Huddersfield and Goole.																										
Shrewsbury and Birmingham	21	6	18	108	7	40	280	16	40	640	6	—	—	—	208	1	Saloon		3	3	9	60	8	480	4	682
		1	15	15	2	30	60	11	50	550	—	—	—	—	—	1	Post-office tender		1	2	2					
		1	22	22	—	—	—	6	45	279	—	—	—	—	—	1	Buffer carriage.									
		2	24	48	—	—	—	2	48	96	—	—	—	—	—	7	Luggage vans.									
								1	66	66	—	—	—	—	—	9	Break vans.									
Shrewsbury and Chester	26	20	18	360	25	32	800	16	40	640	2	6	24	—	60	4	Stand ups.		17	3	51	25	5	125	10	1,309
Shrewsbury and Hereford																										150
Shropshire Union Railways and Canal.																										
South Eastern	159	145	18	2,610	68	32	2,176	122	40	4,880	30	6	16	—	660	Saloon 2	18	36	60	3	180	187	8	1,496	73	1,491
		1	24	24	1	45	45	2	50	100	12	6	24	—	360	2	—	Royal carriages.								
		25	40	1,000	35	28	980	9	120	1,080	2	6	20	—	52											
		5	72	360	11	24	264	—	—	—	1	6	12	—	18											
					4	32	128	—	—	—	19	18	72	—	1,710											
					6	96	576	—	—	—	2	36	48	—	168											
											20	32	54	—	1,720											
South Staffordshire	17	8	18	144	12	32	384	24	40	960	4	6	16	—	88	—	—	—	6	3	18	31	6	186	6	799
		2	22	44	3	40	120	—	—	—	—	—	—	—	—											
					3	30	90	—	—	—	—	—	—	—	—											

Number of Engines.	CARRIAGES FOR PASSENGERS.																HORSE BOXES.			CATTLE WAGGONS.			Carriage Trucks.	GOODS AND OTHER WAGG		
	FIRST CLASS.			SECOND CLASS.			THIRD CLASS.			COMPOSITE.					ANY OTHER DESCRIPTION.											
	Carriages.	Accommodation.		Carriages.	Accommodation.		Carriages.	Accommodation.		Carriages.	Accommodation.				Carriages.	Accommodation.		Number.	HOLDING		Number.	HOLDING			Number.	HOLDIN
		Each.	Total.		Each.	Total.		Each.	Total.		1st Class.	2d Class.	3d Class.	Total.		Each.	Total.		Each.	Total.		Each.	Total.			Each.	To
	Number.	Persons.	Persons.	Number.	Persons.	Persons.	Number.	Persons.	Persons.	Number.	Persons.	Persons.	Persons.	Persons.	Number.	Persons.	Persons.		Horses.	Horses.		Cattle.	Cattle.			Tons.	T
73	7	22	154	16	24	384	8	35	280	21	8	16	—	504	6 Luggage Vans		—	6	3	18	12	8	96	6	232	4½	
				2	32	64	4	24	96																542	3	
																									7,561	213	2
33	4	18	72	9	24	216	5	48	40	4	6	16	—	88	—	—	—	—	—	—	5	7	35	—	116	5	
																									3,926	3	1
27	3	18	54	10	22	220	11	50	550	5	6	16	—	110	—	—	—	5	3	15	14	3	42	29	36	5	
6	—	—	—	4	70	280	6	98	588	6	16	28	—	264	First Class Saloon 1 holding - -		43	—	—	—	14	6	84	—	196	10	
							6	90	540																		
7	1	30	30	1	30	30	2	48	96	3	10	20	—	90	—	—	—	1	3	3	4	5	20	2	164	4½	
				1	20	20	2	40	80																		
							2	34	68																		
							1	24	24																		
5	1	18	18	3	24	72	3	40	120	3	6	16	—	66	—	—	—	1	3	3	5	8	40	1	40	5	
																									112	3	
4	3	—	51	3	—	72	4	40	160	2	6	16	—	44	—	—	—	1	3	3	6	8	48	1	40	5	
111	39	18	702	60	40	2,400	90	50	4,500	27	6	20	—	702	—	—	—	37	3	111	127	8	1,016	14	1,372	6	
209	61	18	1,092	30	40	1,200	79	48	3,792	33	6	20	—	858	First Class Coupés 28 51 Vans		12	336	35	3	105	254	8	2,032	28	2,569	4
				88	42	3,696																			9,159	3	
																									1,242	6	
2,982	1,770	—	34,125	2,587	—	87,661	2,133	—	88,603	778	—	—	—	24,606	1,202	—	2,961	1,114	—	3,104	4,400	—	55,620	1,081	—	—	

III.—RETURN OF THE ROLLING STOCK OF THE RAILWAYS IN *SCOTLAND*.

NAME OF COMPANY.	Number of Engines.	CARRIAGES FOR PASSENGERS.																	HORSE BOXES.			CATTLE WAGGONS.			Carriage Trucks.	GOODS AND OTH	
		FIRST CLASS.			SECOND CLASS.			THIRD CLASS.			COMPOSITE.					ANY OTHER DESCRIPTION.			Number.	HOLDING		Number.	HOLDING			Number.	
		Carriages.	Accommodation.		Carriages.	Accommodation.		Carriages.	Accommodation.		Carriages.	Accommodation.				Carriages.	Accommodation.			Each.	Total.		Each.	Total.			
			Each.	Total.		Each.	Total.		Each.	Total.		1st Class.	2d Class.	3d Class.	Total.		Each.	Total.									
		Number.	Persons.	Persons.	Number.	Persons.	Persons.	Number.	Persons.	Persons.	Number.	Persons.	Persons.	Persons.	Persons.	Number.	Persons.	Persons.		Horses.	Horses.		Cattle.	Cattle.			To
Aberdeen	20	24	18	432	31	32	992	38	35	1,330	14	6	16	—	308	12	- - Passenger luggage vans.		4	3	12	85	6	510	4	460	
Arbroath and Forfar																						4	Sheep vans.			55	
Ardrossan	5	2	18	36	4	24	96	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	308	
Caledonian	127	58	18	1,044	76	32	2,432	108	32	3,456	19	6	16	—	418	2	- Saloons -		15	3	45	152	7	1,064	15	900	
Caledonian and Dumbartonshire Junction.	4	2	30	60	—	—	—	8	40	320	4 2 1	20 10 10	— — —	20 30 20	160 80 30	3	- Luggage vans -		—	—	—	—	—	—	—	160	
Dundee and Arbroath	9	8	18	144	16	24	384	25	35	875	4	6	16	—	88	—	—	—	2	3	6	6	6	36	10	192	
Dundee and Newtyle																											
Dundee and Perth and Aberdeen Railway Junction.	12	5	18	90	15	30	450	30	36	1,080	76	6	20	—	1,976	1	- Saloon -		4	3	12	5	8	40	5	693	
Edinburgh and Bathgate																											
Edinburgh and Glasgow	68	63	18	1,134	44	26	1,144	94	30	2,820	14	6	12	—	252	Class 10 24	50 Break vans.	500	29	3	87	116	8	928	43	1,252	
Edinburgh, Perth, and Dundee.	42	34	18	612	24	20	480	50 10	36 24	1,800 240	20	6	8	—	280	—	—	—	20	3	60	60	8	480	16	251	
Forth and Clyde Navigation Company.																						8	Sheep waggons. 40	320			
Glasgow and South-Western	89	45	18	810	54	24	1,296	65	30	1,950	7	8	16	—	168	—	—	—	39	3	117	60	12	720	26	806	
Glasgow, Barrhead, and Neilston Direct.																										1,883	
Kilmarnock and Troon																											
Monklands	19	—	—	—	—	—	—	2	36	76	1	8	16	—	24	—	—	—	—	—	—	—	—	—	—	753	
Morayshire	2	—	—	—	—	—	—	—	—	—	3	12	12	—	72	—	—	—	—	—	—	—	—	—	—	441 32	
North British	71	60	18	1,080	71	24	1,704	60	34	2,040	25	6	16	—	550	35 2	- Break vans - Parcels vans.		24	3	72	104 30	5 Sheep waggons.	520	21	1,984 42	
St. Andrew's																											
Scottish Central	52	39	18	702	53	32	1,696	43	32	1,376	16	6	16	—	352	- - Fourth Class 10.	32	320	23	3	69	60	7	420	23	627	
Scottish Midland Junction	7	6	18	108	8	32	256	12	32	384	4	6	16	—	88	2	Break vans -		2	3	6	55	7	385	2	125	
Stirling and Dunfermline																										70 130	
Totals	527	346	—	6,252	396	—	10,930	545	—	17,743	210	—	—	—	4,846	101	—	820	162	—	486	745	—	5,423	165	—	

IV.—RETURN OF THE ROLLING STOCK OF THE RAILWAYS IN *IRELAND*.

CARRIAGES FOR PASSENGERS.

Number of Engines.	FIRST CLASS. Carriages.	FIRST CLASS. Accommodation. Each.	FIRST CLASS. Accommodation. Total.	SECOND CLASS. Carriages.	SECOND CLASS. Accommodation. Each.	SECOND CLASS. Accommodation. Total.	THIRD CLASS. Carriages.	THIRD CLASS. Accommodation. Each.	THIRD CLASS. Accommodation. Total.
	Number.	Persons.	Persons.	Number.	Persons.	Persons.	Number.	Persons.	Persons.
11	6	—	184	4	—	200	8	60	480
	1	30	30				3	50	150
							3	30	90
							1	60	60
6	6	32	192	12	50	600	1	40	40
6	1	40	40	—	—	—	5	40	200
3	3	60	180	6	50	300	1	50	50
	2	48	96						
	1	46	46						
8	7	32	224	8	60	480	10	60	600
16	4	—	112	10	—	600	11	—	594
							8	—	260
							7	—	105
							8	—	484
11	9	24	216	40	42	1,680	20	45	900
4	3	32	96	1	64	64	8	70	560
58	1	20	20	49	60	2,940	3	51	153
	31	24	744	—	—	—	19	56	1,054
							25	61	1,525
- -	- -	- -	- -	- -	- -	- -	- -	- -	- -
3	1	41	41	2	—	106	4	57	228
8	4	—	148	4	—	202	6	55	330
30	8	32	256	13	60	780	21	60	1,260
3	3	32	96	5	50	250	3	45	135
13	6	32	192	8	50	400	7	40	280
				5	40	200	11	40	440
							1	50	50
5	1	24	24	2	40	80	5	48	240
9	2	16	32	2	40	80	11	51	561
194	100	—	2,969	171	—	8,962	210	—	10,829

COMPOSITE. Carriages.	Accommodation. 1st Class.	2d Class.	3d Class.	Total.	ANY OTHER DESCRIPTION. Carriages.	Accommodation. Each.	Total.
Number.	Persons.	Persons.	Persons.	Persons.	Number.	Persons.	Persons.
10	—	—	—	456	5	Vans -	—
—	—	—	—	—	2	Luggage vans - -	-
4	10	40	—	200	—	—	—
3	14	34	—	144	5	Mail vans -	
					5	Luggage vans.	
20	—	—	—	868	2	Mail vans - -	
—	—	—	—	—	1	Royal coach.	
					8	Parcel vans.	
					5	Trucks.	
2	12	30	—	84	—	—	—
4	8	40	—	192	—	—	—
6	16	24	—	240			
4	4	36	—	160			
- -	- -	- -	- -	- -	- -	- -	- -
3	29	39	—	204	3	Guards' breaks Vans	
2	34	48	—	164	4	Break vans - -	
13	16	44	—	780	15	Parcel vans - -	
					9	4th Class carriages 450, holding 50 each.	
—	—	—	—	—	—	—	—
3	16	20	—	108	—	—	—
—	—	—	—	—	—	—	—
7	7	11	—	126	—	—	—
82	—	—	—	3,758	64	—	450

HORSE BOXES. Number.	HOLDING Each.	HOLDING Total.
	Horses.	Horses.
4	3	12
—	—	—
4	3	12
8	3	24
6	3	18
2	3	6
45	3	135
- -	- -	- -
—	—	—
1	3	3
23	3	69
—	—	—
2	5	10
1	3	—
7	3	21
103	—	310

CATTLE WAGGONS. Number.	HOLDING Each.	HOLDING Total.
	Cattle.	Cattle.
8	10	80
3	6	18
10	8	80
—	—	—
12	7	84
4	Sheep waggons -	—
20	8	160
150	8	1,200
- -	- -	- -
4	10	40
16	10	160
199	8	1,592
—	—	—
14	10	140
—	—	—
50	8	400
490	—	3,954

Carriage Trucks.	GOODS AND OTHER WAGGONS. Number.	HOLDING Each.	HOLDING Total.
		Tons.	
3	136	5	680
—	27	5	135
2	26	5	130
—	31	5	155
12	56	5	280
	36	Ballast wa	
	2	Timber wa	
4	20	5	100
30	383	5	1,915
- -	- -	- -	- -
—	29	5	145
1	59	5	295
	60	5	300
	33	Ballast wa	
—	9	6	54
2	135	4	540
	47	5	235
1	13	4½	58½
	12	5	60
	1	Timber truc	
—	90	5	450
—	—	—	—

ABSTRACT.

DESCRIPTION OF STOCK.	ENGLAND.				SCOTLAND.		IRELAND.		REMARKS.
	7 FEET GAUGE.		4 FEET 8½ INCH. GAUGE.		4 FEET 8½ INCH. GAUGE.		5 FEET 3 INCH. GAUGE.		
	Number.	Capable of Holding	Number.	Capable of Holding	Number.	Capable of Holding	Number.	Capable of Holding	
First Class Carriages	197	5,880	1,770	34,125	346	6,252	100	2,969	
Second Class Carriages	259	17,150	2,587	87,661	396	10,930	171	8,962	
Third Class Carriages	71	4,632	2,133	88,603	545	17,743	210	10,829	
Composite Carriages	44	2,029	778	24,606	210	4,846	82	3,758	
Horse Boxes	168	647 Horses	1,114	3,104 Horses	162	486 Horses	103	310 Horses.	
Miscellaneous Vans, &c.	103	- - - - -	1,202	2,961	101	820	64	450	
Engines	239	- - - - -	2,982	- - - - -	527	- - - - -	194	—	
TOTALS	1,081	- - - - -	12,566	- - - - -	2,287	- - - - -	924	—	

	Number of Engines.	CARRIAGES FOR PASSENGERS.															HORSE BOXES.			CATTLE W		
		FIRST CLASS.			SECOND CLASS.			THIRD CLASS.			COMPOSITE.					ANY OTHER DESCRIPTION.			Number.	HOLDING		Number.	H
		Carriages.	Accommodation.		Carriages.	Accommodation.		Carriages.	Accommodation.		Carriages.	Accommodation.				Carriages.	Accommodation.						
			Each.	TOTAL.		Each.	TOTAL.		Each.	TOTAL.		1st Class.	2d Class.	3d Class.	TOTAL.		Each.	TOTAL.		Each.	TOTAL.		Eac
	Number.	Number.		Persons.	Number.		Persons.	Number.		Persons.	Number.				Persons.	Number.		Persons.			Horses.		
ENGLAND and WALES	3,221	1,967	- -	40,005	2,846	- -	104,811	2,204	- -	93,235	822	- -	- -	- -	26,635	1,305	- -	2,961	1,282	- -	3,751	5,892	-
SCOTLAND	527	346	- -	6,252	396	- -	10,930	545	- -	17,743	210	- -	- -	- -	4,846	101	- -	820	162	- -	486	745	-
IRELAND	194	100	- -	2,969	171	- -	8,962	210	- -	10,829	82	- -	- -	- -	3,758	64	- -	450	103	- -	310	490	-
TOTALS	3,942	2,413	- -	49,226	3,413	- -	124,703	2,959	- -	121,807	1,114	- -	- -	- -	35,239	1,470	- -	4,231	1,547	- -	4,547	7,127	-

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TO

REPORTS

FROM

THE SELECT COMMITTEE

ON

RAILWAY AND CANAL BILLS.

Ordered, by The House of Commons, *to be Printed,*
8 *July* 1853.

736—I.

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ALPHABETICAL and CLASSIFIED LIST of the PRINCIPAL HEADINGS in the following INDEX, with the Paging at which they will be respectively found.

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[*N.B.*—In this Index the *Numerals* following *Rep.* refer to the several Reports, and the *Figures* following *p.* to the page thereof: the *Figures* following the Names of the Witnesses refer to the Questions of the Evidence, and those following *App.* to the paging of the several Appendices.]

A.

ABANDONMENT OF SCHEMES. Statement of the Committee that about 2,000 miles of railway, involving an outlay of upwards of forty millions sterling, have been sanctioned by Parliament, and afterwards abandoned by the promoters without the leave of Parliament, *Rep.* v., *p.* 5——The railway companies should not have power to abandon lines at their discretion, but should be subject to the control of the Board of Trade, *Laing* 219–223.

See also *Amalgamations*, 1. *Non-construction of Lines. Salisbury. Wilts, Somerset and Weymouth Railway.*

Aberdeen Railway. Petition of the magistrates and town council of the Royal burgh of Montrose, complaining of the working arrangements of the Aberdeen Railway, *Rep.* ii., *App.* 163, 164.

Accidents on Railways. Observations of the Committee on the numerous cases of fatal accident which have occurred of late, *Rep.* v., *p.* 16, 17——Statement of the proportion of the accidents to passenger trains which have occurred during the four years 1849 to 1852, *ib.*——Statement of averages as to accidents in England, Ireland and Scotland in the four years, 1849 to 1852, *ib.* 17——Observations on the various causes which have led to accident, *ib.* 19——Opinion that railway accidents are not to be prevented by the interference of a central Government authority, *Saunders* 1410——Evidence as to the powers of the Board of Trade with respect to inquiring into and reporting on accidents on railways; the Board should have the power of inquiring into the causes of those accidents, *Booth* 2189-2202——Accidents on railways have been more frequent of late; causes to which they are chiefly attributable, *Booth* 2228–2235; *Simmons* 2514–2530; *Stephenson* 2631——The returns of accidents made by railway companies to the Board of Trade are of an imperfect character; suggestions for their improvement, *Booth* 2272–2275.

General account of the number of accidents in the years 1850, 1851 and 1852, showing the number of persons killed and the number injured in each of those years, *Simmons* 2514–2530——Considerable facility would be given in making inquiries into the causes of accidents, if the officers were more speedily than they now are at the scene of the accidents; it might be beneficial to alter the Act so that all accidents shall be reported within twenty-four hours of their occurrence, *ib.* 2589——Accidents are rarely, if ever, attributable to the state of the atmosphere, or the action of the atmosphere upon the rails, *ib.* 2625-2627——Opinion that many accidents would be prevented by an amalgamation between railways and canals, *Durell* 2826, 2827——The frequency of accidents at the beginning of the present year is partly attributable to the imperfect state of the way, consequent on the previous incessant rains; the lines were thus unfitted for the usual rate of speed, *Hawkshaw* 3447——Return of accidents in the year 1853, with the correspondence between the Board of Trade and the various railway companies relative thereto, *Rep.* iii., *App.* 190–192——Reports of accidents on various railways, with correspondence relative thereto, *ib.* 193–243.

See also *Battle. Blantyre Station* (*Caledonian Railway*). *Board of Trade. Bolton Station* (*Lancashire and Yorkshire Railway*). *Bowyer's Brick Siding* (*Great Northern Railway*). *Bristol. Burton Station* (*Midland Railway*). *Chorley Station* (*Lancashire and Yorkshire Railway*). *Clifton. Criminal Law. Directors. Ealing. Electric Telegraph. Engine Drivers. Engines. France. Great Northern Railway. Indictment. Inspection of Railways. Inspectors of Railways. Lancashire and Yorkshire Railway. Leicester. Little Bytham Station* (*Great Northern Railway*). *Mangot's Field* (*Midland Railway*). *Manton. Merstham. New Holland Station* (*Manchester, Sheffield and Lincolnshire Railway*). *Opening of Lines. Oxford Station* (*Buckinghamshire Railway*). *Permanent Way. Punctuality. Regulations of Railways. Responsibility of Officers. Rolling Stock. Running Powers. Southport Railway. Tynemouth. Wormsley.*

Reports, 1852-53—*continued.*

Accommodation of the Public. Manner in which security should be provided that sufficient accommodation be afforded to the public in the event of monopolies of certain portions of the country being granted to the railway companies, *Laing* 131-171——Within their own districts, the self interests of the companies might be trusted to provide the best accommodation in order to get the largest amount of traffic; the wider the amalgamations the less would be the difficulty, *ib.* 191-193——With regard to the speed, number of trains, and other circumstances of public accommodation, the effect of amalgamations would be very beneficial, *Swift* 757-761. 788-803——The public are well protected under the existing system; striking example of the evils resulting from a company acting upon the notion that their own profits are distinct from the advantage of the public, *Stephenson* 907-911——In the event of a line not running trains enough, the question might be referred to the proposed Central Board, who should have power to compel them to provide for the public accommodation, *ib.* 1017, 1018. 1026, 1027.

See also *Board of Trade. Branch Lines. Competition*, 2. 3. *Court of Appeal. Government Control*, 2. *Increase of Rates. Small Lines.*

Accounts. See *Audit of Accounts. Clearing House. Expenditure of Railways. Government Control*, 2. *Management of Railways.*

Acts of Parliament. Opinion of the Committee, that the principle heretofore established by law, that an Act of Parliament constitutes an engagement between the promoters on the one side and the public on the other, is a principle deserving of more consideration than it has hitherto obtained, as a guide to future legislation, *Rep.* v., *p.* 6.

See also *Integral Bills. Railway Acts.*

Allport, James. (Analysis of his Evidence.)—Manager of the Manchester, Sheffield and Lincolnshire Railway, 4220——Was formerly manager of the York, Newcastle and Berwick, 4221——The amalgamation of railways may be extended very considerably, but not to the utmost extent, with advantage to the public and to the railway companies, 4222-4229. 4285-4289——Any amalgamation of the larger companies should include also the smaller lines immediately adjoining, 4224——Opinion that district amalgamation is very feasible, 4224-4229——An amalgamation of the Midland Railway with the London and North Western is much to be recommended on public grounds, the former being a continuous line with the latter to some of the most important towns in the kingdom, 4225-4229. 4285-4288.

Witness cannot see any community of interest between the Great Northern and the Midland Railways, and considers that an amalgamation of the former company with the latter, or with the London and North Western Company, is not expedient, 4229. 4287, 4288——Evidence opposed to the granting of running clauses; enumeration of several accidents that have occurred in consequence of the Great Northern Company running trains over the Manchester, Sheffield and Lincolnshire Railway, 4230-4284——These accidents are attributable to the engine-drivers and guards of the former company neglecting to make themselves acquainted with the rules and regulations of the latter; culpability of the management of the Great Northern Company in the matter, 4245-4284——With respect to amalgamations, there should be five or six great systems of railways, each independent of the others; the public and the shareholders would benefit by this arrangement, 4289.

Evidence to the effect that it is not desirable or advantageous to introduce into this country the law of Scotland as regards the criminal responsibility of railway managers, 4290-4312——Witness cannot see any advantage in having a public prosecutor for the purpose of thoroughly bringing the circumstances of railway accidents before coroners' juries, 4304-4312——Denial of a statement by Mr. Denison, that at Retford great obstructions and difficulties were thrown in the way of the Great Northern Company's traffic to Manchester, 4313-4326——The Manchester, Sheffield and Lincolnshire Company give all reasonable facility to the traffic of the Great Northern, but they cannot consent to any great reduction of their tolls for the sake of serving the latter Company, 4313-4326.

If, in consequence of disputes between companies, the public are not properly considered, it should be compulsory on such companies to settle their differences by arbitration, 4315-4325. 4327, 4328——Refutation of statements by Mr. Loch, of the Bridgewater Trust, that the Manchester, Sheffield and Lincolnshire Company had impeded the traffic on the Ashton Canal by raising the freightage from 1 *s.* to 2 *s.* 6 *d.* per ton; explanation on this point, 4328-4336——The tolls on the Ashton Canal are much less now than they were before its amalgamation with the railway company, 4330——So far as the Manchester, Sheffield and Lincolnshire Company are concerned, every facility is given by them for the conveyance of traffic over four canals of which they are the owners; gradually increasing traffic of the Ashton Canal since its amalgamation with the railway company, 4832-4336.

[Second Examination.]—Reiteration of witness's former statement, that the running powers of the Great Northern Company over the Manchester, Sheffield and Lincolnshire line had been productive of several accidents, 4381-4387——Mention of several servants

of

Reports, 1852-53—*continued.*

Allport, James. (Analysis of his Evidence)—*continued.*

of the former company who work over the line of the latter without being provided with its rules and regulations, as alleged by Mr. Clarke; this fact proves that the running powers the Great Northern Company are highly dangerous, 4382-4387.

AMALGAMATIONS:

1. *Generally.*
2. *Evidence as to the advantages likely to arise from extending the system of Railway Amalgamation.*
3. *Objections to the Amalgamation of Railways.*
4. *Observations as to the conditions on which Amalgamations should be granted.*
5. *Remarks with respect to an universal Amalgamation of Railways.*
6. *Evidence generally relative to the evil effects of Amalgamations between Railways and Canals.*

1. *Generally:*

It is manifest that, in conceding amalgamation, Parliament would part with a power which it might exercise for the purpose of securing to the public one of the greatest advantages that a commercial country can enjoy, *Rep.* iv., *p.* 4, 5——Remarks of the Committee on the causes to which the desire of the railway companies for amalgamation is to be attributed, *Rep.* v., *p.* 4, 5——Opinion that nine-tenths of the railway companies would rather abandon their amalgamations unless they had a secure and distinct protection, *Laing* 216, 217——There would be less financial difficulty in effecting a just amalgamation now than at any former period; it is possible to write up the stocks of all companies, *ib.* 232-236——The present is a time when Parliament may, with great advantage to the public, deal with the question of amalgamations, *ib.* 240——If this Committee separate without making any recommendation, then each amalgamation will go upon its own merits before the Select Committee, and some will be granted and others not, *ib.* 262——Evidence generally with respect to the valuation of the precise financial position of companies with a view to their amalgamation; manner in which the fresh dividend should be calculated and fixed; no inquiry should be instituted into past expenditure, but the companies dealt with as they stand, *Huish*, 1230-1271.

Opinion that it will not be right of Parliament to impose any conditions on the railways, nor will the railways be likely to agree to any conditions as the price of amalgamation, *Saunders* 1525, 1526. 1532——Witness is not adverse to all amalgamations; each case should stand on its own merits, *Denison* 2022——Amalgamations should be left to the voluntary action of the companies themselves, rather than any attempt should be made by the the Government to apportion out the country into such districts as might appear to be most convenient, *Booth* 2281-2285——Nature of the dangers which are to be apprehended from the system of amalgamation, and its too great extension, *Simmons* 2334——The public have derived vast advantages from the amalgamation of railways, but it is very questionable whether the railways themselves have been benefited thereby, *Laws* 3580-3588. 3595 *et seq.*

2. *Evidence as to the advantages likely to arise from extending the system of Railway Amalgamation:*

Observations of the Committee on the advantages urged in favour of amalgamations, *Rep.* v., *p.* 3——Amalgamation is the only mode of obviating the recurrence of the mischiefs arising from railway legislation, *Swift* 715, 716——There would be a considerable advantage in amalgamation, from the cheaper working and the better arrangements, as regards the general management, that would result from it, *ib.* 742-745——The true policy of Government is to encourage an extensive system of amalgamation, *Stephenson* 883, 884——Opinion in favour of amalgamations of railways; the difficulties of such a plan are not insuperable, *Booth* 2253-2255. 2260.

Detail of the various benefits which might be expected to be derived from the amalgamation of railways, *Simmons* 2333——Amalgamation is very desirable, and would be beneficial both to the shareholders and the public, *Blackburn* 2683-2688. 2706, 2707——Opinion in favour of the further amalgamation of railway companies; nature of the advantages which would be conceded to the public in return for amalgamation, *Looke* 2869 *et seq.*——The principle of amalgamation is unquestionably a useful one both to the public and the railways, if carried into effect upon equitable terms, *Laws* 3585-3588. 3631-3639——The amalgamation of railways may go on to an indefinite extent, with advantage to the public interest, *MacGregor* 4035-4040.

Opinion that the amalgamation of railways may be extended very considerably, but not to the utmost extent, with advantage to the public and to the railway companies, *Allport* 4222-4229. 4285-4289——With respect to amalgamations, there should be five or six great systems of railways, each independent of the others; the public and the shareholders would benefit by this arrangement, *ib.* 4289——The effects of the amalgamation

Reports, 1852–53—*continued.*

AMALGAMATIONS—continued.

2. *Evidence as to the advantages likely to arise from the system of extending Railway Amalgamation*—continued.

of railways have been very advantageous to the public, but small companies could not possibly compete with neighbouring large companies, which have been amalgamated, *Roy* 4344, 4345. 4352——The amalgamation of railways is very desirable, and is much preferable to working agreements between them, *Hon. G. Anson* 4488, 4489——Reference to the amalgamation of railways; opinion that the public and the shareholders would be benefited thereby, *Wood* 4562.

3. *Objections to the Amalgamation of Railways:*

Remarks of the Committee on the objections urged by persons engaged in trade, and by the representatives of the property invested in canals, against indefinite amalgamations, *Rep.* v., *p.* 4——Amalgamations have been some protection, but it is the opinion of the railway interest generally that they would not afford anything like a complete security, *Laing* 99–102——Objections to amalgamations, *Clarke* 458, 459; *Loch* 1769——Opinion that the schemes of amalgamation are all essentially defective, and would not accomplish the object proposed by the advocates of amalgamation, and at the same time Government supervision and control, *Mathews* 1163–1165——The proposed large amalgamations are not for the good of the country, nor for the permanent good of the railway companies, *Saunders* 1354, 1355——Witness altogether deprecates any further advances of Parliament in the direction of amalgamations among great competing systems of railway companies, *Loch* 1812–1815——Objections to any amalgamation that would give a purely monopolising power on the part of any railway company, *Bazley* 1876——Opinion that the plans for amalgamations under the consideration of the Committee are not likely to produce much benefit, Sir *W. Cubitt* 3143–3145.

4. *Observations as to the conditions on which Amalgamations should be granted:*

Opinion of the Committee that it will not be proper to sanction the progress of the Bills now before Parliament for the amalgamation of railways without adopting the most careful regulations to secure the public against the risk of oppression, from the virtual monopoly which would thus be created in the hands of the amalgamated companies, *Rep.* iv., *p.* 3——The proposals for amalgamation have been recommended upon the ground that much benefit would result to the shareholders from the increased confidence which the possessors of stock would feel under these arrangements, by being to a great extent secured against the risk of future competition; advantages which it is proposed to give to the public in return, *ib.* 3, 4——Recommendation of the Committee that the amalgamation of companies should not be sanctioned, except in minor or special cases, where it clearly appears to the Standing Committee that the true and only object of such amalgamation is improved economy of management, and consequent advantage to the public, *Rep.* v., *p.* 21.

If companies are allowed to amalgamate, it is only reasonable that the public should have such a security, in the way of regulation, as would place them in as good a position as they would have been in if competition had been authorised, *Laing* 95–102——The public would have a right to ask for some terms if amalgamations were sanctioned by Parliament, but the question is what those terms should be, *ib.* 112–114——Witness would to a certain extent limit the power of amalgamation, *ib.* 230, 231——By prudent precautions being now taken, Parliament might so regulate the process of amalgamation as to secure great advantages to the public, *Stephenson* 887–889——Nature of the securities that ought to be given to the public in the event of amalgamation being granted, and advantages which in return for those securities Parliament should confer upon the existing companies, *Stephenson* 890–893; *Simmons* 2343, *et seq*——Giving the companies protection against competition, and their submitting to audit, periodical revision of tariff and control, would meet all the difficulties of the case, *Stephenson* 898, 899——If the arrangement were carried on in a liberal spirit on all sides, the questions which would arise would be questions which men of competent experience and undoubted character might settle fairly both between the railway companies and between the companies and the public, *ib.* 907.

It is natural to suppose that if these powers are given to bodies of men by Parliament, they will be exercised for their own advantage; if Parliament wish the public to be protected, they must take measures accordingly, *Denison* 2040. 2041——Amalgamations should take place upon the condition of the capital being ascertained, a maximum dividend fixed, audit and periodical revision, *Booth* 2309——Manner in which the interests of the several parties comprised in the amalgamation should be dealt with in the event of the large amalgamations being carried out, *ib.* 2314, 2315——Opinion that amalgamation itself is a concession of a great deal to the railway companies, and they should give securities for the protection of the public in return, *Simmons* 2459.

5. *Remarks*

Reports, 1852–53—*continued.*

AMALGAMATIONS—continued.

5. *Remarks with respect to an universal Amalgamation of Railways:*

Observations of the Committee on the proposal for the eventual union of all railway property in one common stock; considerations which require to be carefully weighed by Parliament before so important a change could be permitted, *Rep.* v., *p.* 5, 6——Remarks of the Committee on the opinion of Mr. Denison, the chairman of the Great Northern Company, that general amalgamation would be very undesirable as regards the public, unless the greatest possible precautions were taken by Parliament, *ib.* 9, 10——Witness is opposed to any attempt to make a fusion of the different railway companies throughout the country, *Laing* 122, 123——Opinion that general amalgamation would be very undesirable as regards the public, unless the greatest possible precautions were taken by Parliament, by which they would be specially guarded, *Denison* 1945–1948——Remarks relative to a universal amalgamation of railways, so that all the rolling stock of the kingdom should receive a common dividend, and all receipts go into a common purse, *Locke* 2942, 2943——Suggestion that, under certain conditions, there be a complete fusion of all the railway property in the kingdom, and that there be a universal amalgamation of management by a single company, *Sir W. Cubitt* 3057–3073——Any amalgamation of the larger lines would lead to an entire fusion of the railway system throughout the kingdom; objections to such amalgamation, *Baxter* 3486. 3489 *et seq.*; 3516–3523——A practical objection to a universal fusion is, that there is no department at present capable to take the command and direction that would be necessary, *ib.* 3496, 3497. 3516——A combination of the entire railway system would be beneficial to the public, and might be arranged on terms satisfactory to the proprietors; by allowing voluntary amalgamation, subject to the revision of Parliament, this universal combination can best be arrived at, *MacGregor* 4102–4105. 4107.

6. *Evidence generally relative to the evil effects of Amalgamations between Railways and Canals.*

Remarks of the Committee on the difficulties connected with the subject of the union of railways and canals; this union, though so manifestly open to abuse, has been carried by past legislation to a great extent, *Rep.* v., *p.* 10, 11——In some cases the union of railways and canals has been effected at the instance of the railway companies, for the obvious purpose of removing a competition, and obtaining a monopoly of the means of transit, *ib.* 11——In other cases, when a railway company has proposed to construct a railway in a district heretofore served by water carriage, the shareholders in the canal have possessed sufficient influence to compel the railway company to buy off their opposition, by amalgamating them on favourable terms with the railway, *ib.*

Evils likely to arise from the amalgamation of links in the canal communication with railway companies; instance of this in the case of the Birmingham Canal since its connexion with the London and North Western Railway, *Mitchell* 644–653——In the case of amalgamation between canals and railways, it is essential that powers be given to the public for enforcing the supply of water in the canal, and for fixing the rate of tolls, *ib.* 685–692——There are many ways in which, if a railway, being the proprietors of a canal, wish to interfere adversely with the traffic upon the canal they have the power of doing it, *ib.* 693–695——Opinion that Parliament would have acted more wisely if they had not permitted any amalgamation of railways with canals; the railway companies would be very glad to let the canals go back to their original owners, *Swift* 855–872——The London and North Western Railway Company have been the great purchasers of canal transit in the district of South Staffordshire and Birmingham; this gives them such a degree of influence on the canal interest as more or less to control the traffic, *Mathews* 1128–1133——The invariable result of combination between railways and canals has been an increased rate of charge to the public where there are two or three lines to convey the traffic over a district where there is only one required; instance in illustration of this statement, *Huish* 1274.

The canal companies which have not been joined to railways find their traffic inconvenienced and injured by the high rates on canals which have been allowed to be joined to railways and amalgamated with them, *Mellish* 1539——Evils which have resulted to the interest of the Grand Junction Canal by the amalgamation of certain canals to which they are joined with the railways; high rates charged by those canals which are leased to railways, *ib.* 1562–1566——Opinion that the union of a canal, or even the link in the chain of canal communication with a railway company, is a formidable weapon in the hands of such railway company to be exercised by them against their competitors, the canals, *ib.* 1567——Suggestion that the canals amalgamated with railways should be prevented from charging higher tolls than are charged on independent canals; a canal sold to a railway should not be allowed to charge a rate that makes it impossible for another to navigate over it, *ib.* 1568–1583——When a railroad comes before Parliament to ask to be allowed to amalgamate with a canal, protection should be given that it should not shut up that canal from the traffic of the country, *ib.* 1614——No inconvenience would arise to a railway and canal amalgamated under the safeguards proposed by witness, *ib.* 1633.

Reports, 1852-53—*continued.*

AMALGAMATIONS—continued.

6. *Evidence generally relative to the evil effects of Amalgamations,* &c.—continued.

Where a railway company are either by Parliamentary authority owners of a canal, or have by voluntary arrangements become the owners, they are enabled to charge such rates on their railway and canal respectively as to prevent the competition of other canals with the railway, *Loch* 1663-1669——It is exceedingly dangerous to unite great railways with canals, such as the London and North Western Railway with the Trent and Mersey Canal, *ib.* 1798-1800——Remarks as to the injustice to the public and the impolicy of amalgamating railways with canals, and giving railways power to fix canal tolls at any rate they please, *Grahame* 3468, 3469 —— Instance of this in the purchase of the Leeds and Liverpool Canal Company by the Midland and other Railway Companies, the conditions being that the canal company should give up all competition and close up their navigation by the imposition of prohibitory tolls, *ib.* 3468 —— With respect to amalgamations between railways and canals, the latter have always been well remunerated for their interests when parted with, and the public have not suffered in the matter, *Laws* 3589-3592.

See also *Accidents on Railways. Accommodation of the Public. Arbitration,* 2, 3. *Ashton Canal. Bills before Parliament. Birmingham Canal. Branch Lines. Capital. Capital Accounts. Closing of Lines. Combinations. Competing Lines. Competition,* 1, 2. *Continuous Lines. Departure and Arrival of Trains. District Amalgamations. Diversion of Traffic. Dividends. Expense of Management. Fares. Government Control. Great Northern Railway. Grouping of Bills. Huddersfield Canal. Increase of Rates. Junctions. Leased Lines. Local Traffic. London and North Western Railway. Management of Railways. Monopoly. New Lines. North British Railway. Oxford Canal. Parliamentary Trains. Private Carriers. Public Departments. Reduction of Rates. Responsibility of Officers. Revision of Tariff. Safety of the Public. Small Lines. Speed. Territorial Districts. Tolls. Value of Stock. Working Arrangements. Working Expenses.*

Ambergate Railway. See *Nottingham.*

America. Observations of the Committee upon the rules and regulations by which railways in America are governed; extract from a report presented to the American Congress upon the subject, *Rep.* v., *p.* 19——Reference to the facilities for making railways in the United States; no advantage results from the facilities for making new lines, *Swift* 738-740——Resolutions come to at a meeting of American railroad proprietors, that competition was of no use to the public, and was very injurious to the shareholders, and had better be given up, *ib.* 740, 741——Remarks as to the American railroads; extract from "The American Railroad Journal," dated 20th November 1852, being a railroad convention at Springfield on 10th November, *ib.* 880.

See also *Competition,* 3.

Anderson, William George. (Analysis of his Evidence.)—Deputy Paymaster-general, 2138——Witness agrees with the evidence of Mr. Bromley as to the practicability of establishing, through the intervention of Government auditors, an examination of railway accounts, 2139-2141——Evidence generally as to the best means of establishing a Government audit of inspection; a department should be created at the Board of Trade for that purpose, 2141-2185——Opinion that the Government audit should not interfere with the management of railways or enter into small details; they should only enter into cases of extravagant and unnecessary expenditure, 2147-2182——The management of railway directors is effective and conducted with economy; there is sufficient control over them by their own shareholders, 2160-2166——There would be no difficulty on the part of directors in properly controlling their expenditure; they might incur extravagant expenditure, but that would be subject to control, 2169-2185.

Anson, Major-general the Honourable George, M.P. (Analysis of his Evidence.)—Chairman of the London and North Western Railway Company, 4466, 4467——Opinion that past legislation on railways has not been beneficial either to the public or the shareholders, 4468-4473——All the railway schemes of the Session should be submitted in a comprehensive shape to a tribunal appointed by the Board of Trade; persons of whom this tribunal should consist; the Board of Trade should bear the responsibility of all measures approved or rejected by the tribunal, 4474, 4475. 4501-4522——The cost of Parliamentary contests between opposing companies, and subsequent injurious and useless opposition between them, have been great evils, and might for the future be prevented, 4475-4479——Questions of principle have frequently been decided differently by different Select Committees; this uncertainty gives rise to much speculation in new schemes, 4480-4482.

With regard to the mode of opposing Bills, the present rules of *locus standi* are a great evil, 4483-4487——The amalgamation of railways is very desirable, and is much preferable to working agreements between them; remarks in favour of a system of district amalgamation

Reports, 1852–53—*continued.*

Anson, Major-general the Hon. George, M.P. (Analysis of his Evidence)—*continued.*

amalgamation, 4488, 4489——In case of a territorial arrangement being carried out, the companies would not object to the interference of the Board of Trade in obtaining for the public the most convenient facilities of conveyance at junctions between different districts, 4490–4495. 4500——With respect to accidents, the best security against them is uniformity of management; every precaution is used at present, and there would be no advantage in throwing the responsibility exclusively on the managing directors, 4496–4499.

The mode suggested by witness of legislating for new railway schemes would amount to a Ministerial measure of the Session to prescribe the lines desirable to be carried; all lines reported against by the tribunal of the Board Trade should not be submitted to Parliament at all, 4508–4522.

ARBITRATION:

1. *Remarks relative to the present system of Arbitration.*
2. *Proposed formation of a Board of Arbitration for the settlement of Disputes with Railway Companies.*
3. *Powers to be vested in this Board.*
4. *Opinion that the proposed Board of Arbitration would be ineffectual in its operations.*

1. *Remarks relative to the present system of Arbitration:*

Particulars as to the settlement of all disputes by arbitration at the present time when any arise between railway companies; selection of the arbitrators by the delegates at the clearing-house, *Huish* 1227–1231——The extent to which the central authority for the purpose of arbitration now exists is wholesome, and not very mischievous or troublesome, *Saunders* 1409——Remarks as to the unsatisfactory system of arbitration at present adopted between the Post-office and the railway companies; the general result is one of great delay and uncertainty, *Hill* 4523–4536. 4545–4547——Mode of arbitration necessary for settling any want of facility to the public at junctions between competing lines, *ib.* 4537–4540——On account of the error of the present system of arbitration, larger remuneration has been paid of late years than formerly for the mileage conveyance of the mails by railways, *ib.* 4544–4547.

2. *Proposed formation of a Board of Arbitration for the settlement of Disputes with Railway Companies:*

It would be much more likely that the arbitration would be satisfactory if the arbitrator were appointed *pro hâc vice*, and were not a permanent officer, *Laing* 180. 188—— Matters in dispute between railways might be referred to the arbitration of two persons, one on each side, and an umpire, *ib.* 189, 190——The system of arbitration is a proper system to be applied in cases referring to passenger fares, and in all cases which arise between companies that they do not adjust between themselves, *Stephenson* 927——There would be no difficulty attending the formation of a central Board of Arbitration, with powers to settle any differences that might arise between two companies, either with respect to the location of the line or the management of the trains, or between the public and the companies, *ib.* 1064–1078——Manner in which the members of the Board of Referees might be selected, *ib.* 1094——There would be no difficulty in deciding all complaints of the public against the amalgamated companies by means of arbitration, *Huish* 1233–1237.

Witness condemns the present system of railway legislation, which has been attended with very wasteful expenditure in their construction; necessity for some controlling power being established; there would be great advantage in appealing to arbitrating tribunals, *Bazley* 1902–1917. 1932–1940——Large powers should be given to some department with a view of preventing any inconveniences from amalgamations; the institution of an inquiry by arbitrators who might hear both parties openly, and settle the question in the neighbourhood in which it arose, would be most likely to be satisfactory to the public, and efficacious, *Booth* 2260–2268. 2304–2308——Remarks with respect to the arbitrations; very large discretionary powers must be left with the Board of Trade as to the appointment of these arbitrations, *ib.* 2286–2294——Recommendation that in the event of amalgamation all cases of grievance should be referred to arbitration; witness does not intend to interfere with the railway management, but only, when called to do so by arbitration, to remedy any evil that might be found to exist, *Simmons* 2346–2379—— In conceding these very extensive powers to gigantic companies, it is necessary to reserve a power to protect those who would otherwise be wholly in the power of the companies; instances mentioned with regard to the conveyance of coal; these questions could be decided by arbitration, *ib.* 2361–2379——With reference to the question of arbitration, a *primâ facie* case for arbitration should be established and a deposit for costs made before the arbitrator was appointed; observations as to the expense of an arbitration, *ib.* 2407–2411——Possibility of appointing arbitrations in cases that require them,

ARBITRATION—continued.

2. *Proposed formation of a Board of Arbitration,* &c.—*continued.*

them, without running the risk of a perpetual harassment and vexation of the companies by impertinent interference, *Simmons* 2412.

Opinion that arbitration would be a fair mode of settling differences between railway companies, *Locke* 2995–3002——Wherever the public interest would be promoted by the reference of a question to arbitration, the companies ought to submit themselves to arbitration if the amalgamations are granted, *ib.* 3011——Evidence as to the advantage of having a central Board under the sanction of Parliament, with powers to arbitrate between companies, for the purpose of securing the shortest, cheapest and most convenient transit from one point to another, *Laws* 3608–3662——If in consequence of disputes between companies the public are not properly considered, it should be compulsory on such companies to settle their differences by arbitration, *Allport* 4315–4325. 4327, 4328——A most full and ample power of settling disputes by arbitration should be given to all railway companies; this arbitration should be compulsory, sharp and decisive, *Roy* 4353, 4354.

3. *Powers to be vested in this Board:*

If the principle of arbitration were sanctioned, it would be applicable to the alleged grievance with respect to the tolls for the carriage of goods, but the result would be unfavourable to the public, as it would rather keep up the rates than lower them, *Laing* 199, 200——Opinion that all railway disputes might be settled by arbitration, *Clarke* 477–481——The proposed Board should possess the power of interfering in detailed arrangements when necessary, although that power would be rarely exercised, *Stephenson* 1095——The Board should have the power of arbitrating on questions of amalgamation between railways and canals, as to carrying powers, &c, *Booth* 2299–2303——Security which should be provided to prevent frivolous cases being brought before the Arbitration Board for the mere purpose of annoyance; the arbitrator should have power over the costs of the arbitration on both sides, *Simmons* 2369–2373. 2377, 2378——The decision of the arbitrator should be final, *ib.* 2479, 2480——How far the facilities to be given by the larger line to the smaller might be settled by arbitration, *MacGregor* 4045–4048.

4. *Opinion that the proposed Board of Arbitration would be ineffectual in its operations:*

Opinion that the suggested mode of interference through the instrumentality of arbitrators would be found practically inoperative in questions of deadly hostility between companies, *Saunders* 1311, 1312——The existence of a tribunal of arbitration, before which questions of tolls in dispute between railway and canal companies could be brought, would prove in practice ineffectual, *Loch* 1762, 1763.

See also *Board of Trade. Carriage of Goods. Conveyance of Mails. Junctions. Shrewsbury Lines.*

Ashton Canal. Remarks relative to the increase of freightage charged on the Ashton Canal since its amalgamation with the Manchester, Sheffield and Lincolnshire Railway, *Loch* 1655–1668——Refutation of statement by Mr. Loch, of the Bridgewater Trust, that the Manchester, Sheffield and Lincolnshire Company had impeded the traffic of the Ashton Canal, by raising the freightage from 1*s.* to 2*s.* 6*d.* per ton; explanation on this point, *Allport* 4328–4336——The tolls on the Ashton Canal are much less now than they were before its amalgamation with the railway company, *ib.* 4330——So far as the Manchester, Sheffield and Lincolnshire Company are concerned, every facility is given by them for the conveyance of traffic over four canals, of which they are the owners; gradually increasing traffic of the Ashton Canal since its amalgamation with the railway company, *ib.* 4332–4336.

AUDIT OF ACCOUNTS:

1. *Generally.*
2. *Remarks relative to the proposed Government Audit of Railway Accounts.*
3. *Opinion that the Expense of such Audit should not fall on the Railway Companies.*

1. *Generally:*

Observations of the Committee on the proposal for rendering general amalgamation consistent with the just requirements of the public by a system of audit, of maximum dividend and revision of tariff whenever that maximum dividend is exceeded, *Rep.* v., *p.* 6——Statement of the Committee, that they are not prepared to recommend the general scheme of amalgamation with which the proposal of audit has been connected, *ib.*——With respect to railway accounts, they are much more intelligible now than formerly; the same objections would exist now as were raised formerly to the establishment of a public auditor for the audit of railway accounts, *Laing* 125–129——Opinion that an official audit will not amount to much security; witness has no great objection to it, except that the principle of all interference with concerns of that description is very mischievous, *Saunders* 1304–1309——No system of audit could be devised, so stringent as would

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1. *Generally*—continued.

would ensure so economical a management as the system of private gain and profit does to private companies, *Bromley* 2131–2133——Witness considers that an annual audit would so far exercise a control over the receipts and expenditure that it must influence the dividend or pivot point, *ib.* 2135——One of the main complaints against the present audit system is, that the auditors have not been the means of preventing many of the pressing evils of present railway companies, *ib.* 2136, 2137——Evidence generally upon the subject of the audit of railway accounts; a system of audit could be rendered effectual, whether a Government audit or not, *Locke* 2870–2880.

2. *Remarks relative to the proposed Government Audit of Railway Accounts:*

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3. *Opinion that the Expense of such Audit should not fall on the Railway Companies:*

Witness would not object to a Government audit, provided Government did not throw the expense of it upon the companies, *Huish* 1223; *Blackburn* 2710, 2711——The expense of conducting a system of audit would be very trifling; supposing the accounts of railways were referred to the Commissioners of Audit, it would not very materially enlarge the expenses of that Board, *Bromley* 2066–2068.

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Bazley, Thomas. (Analysis of his Evidence.)—Chairman of the Manchester Chamber of Commerce, 1874——Objections to any amalgamation that would give a purely monopolising power on the part of any railway company, 1876——Witness would not be unfavourable to the extension of powers to railways for the purpose of acting in harmony, provided there were some inspecting power that would keep such companies within the limits of their prescribed Acts of Parliament, and which would compel them to consult the convenience of the public, 1876-1879. 1849-1899——Although throughout the whole of the district of Lancashire and Yorkshire there are innumerable lines of railway originally promoted by independent companies, there is virtually no competition between Liverpool and Manchester for the carriage of passengers and goods, but perfect combination, 1878-1882. 1918-1921——Statement of the inconveniences under which the people of Manchester labour by reason of the want of the freedom of intercourse among the competing companies; the full facilities of a direct line have never been given to Manchester, 1883-1899. 1931.

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Biddulph, Colonel, M.P., *George Hammond Whalley,* M.P., and *John Girdwood.* (Analysis of their Evidence.)—(*Colonel Biddulph.*) Lord Lieutenant of Denbighshire, 3985——Is owner of coal property in the neighbourhood of Chirk, 3986——(*Mr. Whalley.*) Owner of coal property at Ruabon, 3987——(*Mr. Girdwood.*) Is agent of Colonel Biddulph, 3988——(*Colonel Biddulph.*) In consequence of the directors of the Shrewsbury and Chester Railway being owners of large collieries, there is a preference given to the conveyance of their minerals over that of others who are not connected with the direction, 3989-3992——(*Mr. Girdwood.*) Some of the directors are very extensive coal proprietors, and favour the carriage of their own coals by charging very moderately beyond a certain large amount, 3993. 3998-4001——Injurious effects of this system on the smaller coal proprietors, 3993——Opinion that if a person undertakes to fill with coals any small number of waggons, he should be charged at the same rate as he who fills twenty or more waggons; there should, in fact, be an equal rate per ton per mile, 3994-3997. 4002-4018.

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Bills before Parliament. Recommendation of the Committee that the Bills for effecting the more extensive amalgamations shall not be allowed to proceed to a second reading, *Rep.* iv., *p.* 5——Suggestion that all schemes for amalgamating two or more companies already incorporated should be arrested for the present Session, and that no new scheme should be permitted to proceed without giving effectual security for its actual and immediate completion, *ib.* 6——Recommendation of the Committee that no Railway or Canal Bill, containing any powers of amalgamation, purchase, lease, working arrangement, or other combination of interest between different companies heretofore incorporated, be read a second time, unless the parties interested in promoting such Bill shall elect to proceed with the same on the terms of striking out in Committee all such powers aforesaid, *ib.*——Great inconvenience would arise from preventing any Amalgamation Bills from being read till after Easter, *Ellicombe* 39——Suggestion that Railway Amalgamation Bills should be read a second time in due course, and that the House should pass a resolution suspending any further proceedings on those Bills until a certain day, *ib.* 40, 41 ——There would be no difficulty in the House passing a resolution that all further proceedings upon Amalgamation Bills should be suspended for the present Session, *ib.* 41-45 ——The second reading should be allowed to pass in the ordinary way, but no further steps should be taken until some report shall have been made by this Committee upon the subject of amalgamation, *ib.* 47.

In the case of a Bill containing two objects, the Committee on the Bill might be instructed to strike out the amalgamation clauses before proceeding with the other portions of the Bill, *Pritt and Ellicombe*, 48-56——Inconvenience would result from the postponement of the second reading of Amalgamation Bills for a short period, on account of the presentation of petitions against the Bills, *Pritt* 57. 62-71——If the Amalgamation Bills are allowed to be read a second time before Easter, so as to go into Committee immediately after Easter, the objections to their postponement would be overcome, *Ellicombe and Pritt* 72-77——The postponement may have the effect of giving to petitioners a longer period to prepare their opposition; a long delay of the second reading of a Bill often invites opposition, *ib.* 72-77——Number of Bills and extent of amalgamation now awaiting the decision of Parliament, *Simmons* 2338, 2339——Return, compiled from the latest Returns which have been presented to Parliament, being to the end of 1851, showing the extent of the amalgamation, sales, leases, &c., proposed by Bills of the present Session, *Rep.* iii., *App.* 184-189.

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Birkenhead. see *Great Western Railway. Shrewsbury Lines.*

Birmingham. There are two sets of lines from London to Birmingham, one on the broad guage, the other on the narrow guage, which will shortly be completed to Wolverhampton; the object of the manufacturers of the Birmingham and South Staffordshire district is to get the broad guage carried on from Birmingham to Liverpool, *Mathews* 1126, 1127 ——The people of Birmingham view with considerable alarm the progress of railway monopoly, and are decidedly opposed to amalgamations, as destroying competition, from which they have derived much advantage; instances of the arbitrary monopoly practised by the London and North Western Company, *Lloyd* 4176-4216.

Birmingham Canal. Opinion that had the Birmingham Canal not been associated with the London and North Western Railway they would have reduced their fares, *Mitchell* 654-659 ——Remarks relative to the amalgamation of the North Staffordshire Railway Company with the Birmingham Canal Company; pains taken by the Railway Company to keep the traffic on the canal, *ib.* 660-669——Supposing the North Staffordshire Railway was amalgamated with the London and North Western Railway, it would not be to their interest to keep the canal open and send the goods traffic upon it, *ib.* 682-684——The Grand Junction Canal Company suffer considerably from the high rate of tolls on the Birmingham Canal, which is under the control of the London and North Western Railway Company, *Mellish* 1585-1589.——*See* also *Amalgamations*, 6.

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Blackburn, Peter. (Analysis of his Evidence.)—Chairman of the Edinburgh and Glasgow Railway, 2680——This company have a working arrangement with the Caledonian Railway, by which the receipts between Edinburgh and Glasgow are divided in certain proportions; the two companies at one time competed for this traffic, 2681, 2682——Opinion that the amalgamation of railways is very desirable, and would be very beneficial both to the shareholders and the public, 2683-2688. 2706, 2707——In case different systems of amalgamation are allowed, it would not be advisable or necessary to place any control over the companies further than a limitation of the maximum rate, 2689, 2690. 2702-2709——There is no necessity for any provision against the railway companies favouring one class of traffic at the expense of another, or against amalgamated companies oppressing any smaller company to the prejudice of the public, 2691-2702——Witness has no objection to a general audit of accounts, but the expense should not fall on the railway companies, 2710, 2711.

Blantyre Station (*Caledonian Railway*). Particulars as to an accident which occurred near the Blantyre station on the Hamilton branch of the Caledonian Railway on 17 January 1853, from some defect in the permanent way, and in consequence of insufficient regulations, *Simmons* 2540, 2541——Reports upon the collision near the Blantyre station on 17 January 1853, with correspondence relative thereto, *Rep.* iii., *App.* 214, 215.

Board of Arbitration. See *Arbitration.*

Board of Audit. Remarks with reference to the audit of the Navy accounts; it would be very injurious to give to the Board of Audit the powers now exercised by the Lords of the Admiralty, *Bromley* 2129, 2130.—— *See* also *Audit of Accounts*, 3.

Board of Trade. It has been the practice of the Railway Department to urge upon the companies, in the way of advice, the adoption of measures which from time to time have appeared to them advisable as tending to diminish the risk of danger, but they have no power of compelling the companies to adopt them against the judgment of their own officers, *Rep.* v., *p.* 18——Recommendation of the Committee that the general regulations of each company from time time in force should be transmitted to the Railway Department, and that the inspectors of that department should have power at all times to examine the books in which the arrival and departure of the trains from the several stations are registered, and the books in which the particulars of the moving stock of the company are recorded; also, in cases of inquiry into the causes of accident, to examine the servants of the company, *ib.* 21——In the event of amalgamations being granted, the Board of Trade ought to have the same power with regard to public convenience as they now have with regard to public safety, *Swift* 762——Witness has no objection to the Board of Trade having some supervision referable to the accommodation to be afforded to the public, *ib.* 795-803——Control necessary to be vested in some body for the purpose of securing the due discharge of their functions by the amalgamated companies; there can be no other tribunal than that of arbitration; perhaps preliminary reference to the Board of Trade might be desirable, *Stephenson* 894-897——Witness would not object to a control being given to the Board of Trade, or any competent body, for the regulation of any abuses between canals and railways, or a Board of Arbitrators, if it was a Board which would really attend when the questions were brought before it; difficulties of getting a Board that will act hostilely against railroads or any great companies, *Mellish* 1572, 1573. 1584.

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How far the Board of Trade are in the habit of receiving information from the directors of railways and other officers, *Laws* 3683, 3684——Suggestion as to extended powers being vested in the Board of Trade with respect to proposed railway schemes and disputes between companies, &c.; either by arbitration or otherwise, the greatest amount of facility should be secured to the public, *MacGregor* 4361. 4363-4365. 4367-4370——All the railway schemes of the Session should be submitted in a comprehensive shape to a tribunal appointed by the Board of Trade; persons of whom this tribunal should

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should consist; the Board of Trade should bear the responsibility of all measures approved or rejected by such tribunal, *Hon. G. Anson* 4474, 4475. 4501–4522——In case of a territorial arrangement being carried out the companies would not object to the interference of the Board of Trade in obtaining for the public the most convenient facilities of conveyance at junctions between different districts, *ib.* 4490–4495. 4500—— The mode suggested by witness for legislating for new railway schemes would amount to a Ministerial measure of the Session, to prescribe the lines desirable to be carried; all lines reported against by the tribunal of the Board of Trade should not be submitted to Parliament at all, *ib.* 4508–4512——The Board of Trade would be a very good tribunal to settle disputes between railways and carriers thereby; circumstances by which the tribunal might be guided in fixing equitable rates with respect to the conveyance of coals for different distances, *Wood* 4563–4590.

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Bolton Station (*Lancashire and Yorkshire Railway*). Particulars of an accident at Bolton, on the Lancashire and Yorkshire Railway, on 4 March 1853; it is now under investigation, *Simmons* 2563——Reports upon the accident at the Bolton station, on 23 August 1852, and correspondence relative thereto, *Rep.* iii., *App.* 193–205.

Booth, James. (Analysis of his Evidence.)—Senior secretary of the Board of Trade; the management of all matters connected with railways is in witness's province, 2186—— Explanation as to the nature and extent of the various powers which Parliament has vested in the Board of Trade with respect to railways; extent to which these powers might be beneficially increased, 2188 *et seq.*——Various powers given and duties imposed on the Board of Trade with reference to the construction of railways, 2188 ——Powers vested in the Board of Trade with respect to the management and inspection of railways which are open and in full work, 2189——Evidence as to the powers of the Board of Trade with respect to inquiring into and reporting on accidents on railways; the Board should have the power of inquiring into the causes of those accidents, 2189–2202.

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Borrowed Capital. Statement of the amount of borrowed capital of railways in the United Kingdom, as per latest Government Return, published 31 December 1851, showing the average rate of interest payable thereon, *Rep.* v., *App.* 234.——*See* also *Capital.*

Bowyer's Brick Siding (*Great Northern Railway*). Particulars of an accident at Bowyer's brick siding on the Great Northern Railway, on 9 February 1853; this is a case of defective regulations, *Simmons* 2555, 2556——Report and correspondence on the accident at Bowyer's brick siding, 9 February 1853, *Rep.* iii., *App.* 239, 240.

Branch Lines. Remarks of the Committee relating to the subject of local branches, constructed for the purpose of uniting small towns or rural villages with the leading lines of railway, *Rep.* iv., *p.* 5, 6; *Rep.* v., *p.* 10——Opinion that no trunk lines should be regarded as fulfilling the conditions of its relation to the district in which it is situate, unless it affords every equitable facility for the working of local branches, wherever the residents come forward to aid in their construction, *Rep.* v., *p.* 10——It will be a benefit to the railway company and everybody else to diminish the expense of constructing branches, which would be greatly diminished if they could be constructed without the necessity of going to Parliament, *Laing* 173——There would not be the least difficulty in making amicable arrangements for the construction of as many branches as were wanted in a district by the original company, *ib.* 174-176—— In the event of amalgamations taking place, the same inducement for the formation of short branch lines will not exist, and the public interests would require that there should be a power in some department to compel the large companies to work those short lines, in the event of their being made by local interest, *Clarke* 538-544——Remarks relative to the construction and working of branch lines under the system of amalgamated companies; the branch lines would still be constructed and worked where required, *Swift* 718-725——Objection to the establishment of a central authority to assess the rate of working of the branch lines, *ib.* 719.

Under a system of amalgamation, the disposition to give accommodation to the public would be increased, from the advantage of branches to the parent line, *Stephenson* 971, 972——With respect to the formation of branches, it might be left to the Board of Trade to decide which company should construct the proposed branch, *Huish* 1226, 1227——Remarks as to the formation of additional branches which in themselves might not be remunerative; the sanction of Parliament is freely given if there is no opposing company, *Saunders* 1309, 1310——In the case of a town that requires a new branch to be constructed, the central authority should not have the power of obliging such a branch to be constructed; manner in which witness would provide for the formation of the required branch, *Booth* 2295-2298——If amalgamations take place on the proposed great scale, it will be necessary to make provision by which rural districts desiring to make branch railways into the great lines of communication should have the utmost facility for doing so at the point of junction, *Simmons* 2425-2427—— Observations as to how far railway companies should be compelled to construct branch lines for the accommodation of the public, in the event of amalgamations being granted; there would be no hardship in requiring the companies to work those lines, *Locke* 2883-2912——Difficulty of fixing any

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any rate at which the lines of a small branch should be worked by the main line, *Baxter* 3510.

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Break of Gauge. With reference to the break of gauge at the Reading station, the Great Western Company have a Bill before Parliament for bringing their line down in immediate contiguity with the South Eastern Railway, and making such arrangements as will enable passengers and goods to be transmitted from one gauge to the other with the least inconvenience and without the necessity of carting, *Saunders* 1533–1536.

Bridgewater Canal. Detail of the extent and limits of the Bridgewater Canal, *Mitchell* 641–643; *Loch* 1639, 1640——Practice by which the trade is carried on on the canals of the Bridgewater Trust; it has been the policy of the trustees very much to encourage the conduct of the carrying business by private carriers, *Loch* 1647–1649——Statement of the tonnage of goods carried on the Bridgewater Canals in 1839, 1846 and 1852, showing the great increase, notwithstanding the competition of the railways, *ib.* 1650–1652——Description of the position of the Bridgwater navigation, with reference to other navigations connected with and forming outlets from it; circumstances of those several navigations, *ib.* 1653–1655——The circumstances in which those navigations have been placed by arrangements of various kinds constitute considerable difficulties to the Bridgewater trustees in administering their management, *ib.* 1653–1669——Considerable traffic carried on by the Bridgewater trustees as goods carriers on the Trent and Mersey Canal; purchase from the North Staffordshire Company of their share of the traffic, *ib.* 1682–1687——Particulars relative to the competition carried on between the trustees of the Bridgewater Canal and the Liverpool and Bury Railway in the carriage of goods, which obliges the canal trustees to enter into an arrangement with the railway company as to a tariff of rates, the Liverpool and Bury Company being supported by the London and North Western Company; this arrangement only lasted for a few months, *ib.* 1715–1724——Nature of the existing arrangements between the Bridgewater trustees and the Great Western Railway; the Bridgewater trustees are the agents of the Great Western Company for the collection of the Lancashire traffic, *ib.* 1776–1778.

See also *Mersey and Irwell Canal.* *Old Quay Navigation.* *Private Carriers.* *Trent and Mersey Canal.*

Bristol. Remarks as to the accident which occurred at Bristol on the Midland Railway, on the 8 January 1853, by the bursting of the boiler of a locomotive engine, *Simmons* 2537–2539.

Bristol and Birmingham Railway. The Midland Railway Company have taken power to force the Great Western to lay down narrow-gauge rails in the Bristol station, and have given them notice to do so, *Saunders* 3978.

Broad Gauge. Remarks relative to the extension of the broad gauge to Birmingham and Wolverhampton in 1845, *Mathews* 1134, 1135.

See also *Birmingham.* *Gauge of Railways.* *Great Western Railway.* *Mixed Gauge.* *Narrow Gauge.* *Rolling Stock.*

Bromley, Richard Madox. (Analysis of his Evidence.)—Secretary of the Audit Board, 2050——With regard to the audit of railway accounts, Government would not be prepared to undertake a detailed audit, but the casual inspection after the local audit has taken place the Government would be perfectly qualified to judge of, 2051–2058——If a revision of the tariff is to take place whenever the dividend of a railway exceeds a certain amount, it would be necessary to render such a provision effectual that Government should be correctly acquainted with the financial proceedings of the companies, and should have the power to control them if they were not *bonâ fide*, 2056——Opinion as to the best mode of instituting the required audit of railway accounts, 2059–2065——The expense of conducting a system of audit would be very trifling; supposing the accounts of railways were referred to the Commissioners of Audit, it would not very materially enlarge the expense of that Board, 2066–2068.

There would be no difficulty in forming a proper estimate of the amount at which the capital account ought to be closed, so as to do justice between the public and the railway company, 2069—— In the Government inspection of railway accounts, they should merely look to the question of appropriation and misappropriation; all those matters not extending to falsifying or cooking accounts the Government Audit ought to have nothing to do with, 2070–2087——Evidence generally as to the powers which should be vested in the local auditors for the audit of railway accounts; they should be the parties to inquire into the detailed expenditure, and not the Government, 2078–2094——Government should not saddle itself with the detailed investigation of railway accounts, 2086——Witness has always considered that the local auditors of railways had great powers; matters should remain much as they are at present between the directors and the local auditors; their powers ought not to be limited in any way, 2095–2097.

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Witness sees no real difficulty in adopting an audit that would bring to light any improper proceeding on the part of a board of directors who might wish to increase their expenses for the purpose of not exceeding a given limit, 2101 *et seq.*——The central auditors would exercise the same control and have the same anxiety to see that the expenditure was right and proper, whether the dividend was reaching the pivot or not, 2111-2128——There would be no interest for directors to spend money in any way but such as would be useful and beneficial to the railway, 2111-2113——The central auditors ought to be men of independence, and not liable to be influenced by any body or individual whatever, 2122——There are doubtless very high authorities connected with the railway interest who would have no difficulty in meeting together, and deciding such points as to what expenditure should be carried capital and what to revenue, 2122-2128.

Remarks with reference to the audit of the Navy accounts; it would be very injurious to give to the Board of Audit the powers now exercised by the Lords of the Admiralty, 2129, 2130——No system of audit could be devised so stringent as would ensure so economical a management as the system of private gain and profit does to private companies, 2131-2133——Opinion that an audit conducted upon the principles described by witness might ensure that the rights of the public should be protected for the purpose of a revision of tariff, 2134, 2135——Witness considers that an annual audit would so far exercise a control over the receipts and expenditure that it must influence the dividend or pivot point, 2135——One of the main complaints against the present audit system is, that the auditors have not been the means of preventing many of the pressing evils of present railway companies, 2136, 2137.

Buckinghamshire Railway. See *Oxford Station.*

Bullfield. See *Bolton Station* (*Lancashire and Yorkshire Railway*).

Burton Station (*Midland Railway*). Remarks as to an accident at Burton, on the Midland Railway, on the 7th February 1853; this resulted from a deficiency in the siding accommodation of the railway, and a total disobedience of instructions, *Simmons* 2554——Report and correspondence relative to an accident at the Burton station on 7 February 1853, *Rep.* iii., *App.* 235-238.

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Caledonian Railway. See *Blantyre Station. North British Railway. Working Arrangements*, 2.

Canals. Opinion of the Committee that while the shareholders should be permitted to exact from the canal the greatest profit which it is capable of returning them by a development of the water carriage, they are not entitled to charge such rates on the canal as would necessarily divert the traffic from the canal to the railway; and render inaccessible to the public the advantages of water communication, *Rep.* v., *p.* 11——Besides the natural effect which the competition of railroads has produced upon canals, there is another distinct effect produced by allowing a railway company to become the possessor of a link in a chain of canals, *Pixton* 363-369——If canals had fair play, as opposed to railways, they could compete with them in regard to general traffic, *Pixton* 386, 387; *Mellish* 1540——Course taken by railway companies generally towards the canal companies with which they come into competition, *Loch* 1697, 1698——There has been considerable depreciation in canal property since the opening of railways, *Durell* 2834-2836. 2854-2857——How far, under certain protection from Parliament, canals might exist as independent systems, without suffering from the amalgamation of railways, *ib.* 2859-2863——Every line of canal communication in England might be shut up by arrangements with railway companies, *Grahame* 3468, 3469.

See also *Amalgamations*, 3. 6. *Ashton Canal. Birmingham Canal. Bridgewater Canal. Carriage of Goods. Economy of Transit. Grand Junction Canal. Huddersfield Canal. Iron Trade. Mersey and Irwell Canal. Oxford Canal. Private Carriers. Tolls. Trent and Mersey Canal.*

Capital. Explanation as to the great waste of capital that has resulted from past railway legislation, *Laing* 79-88——Observations showing that in proportion as a railway company is more extended and has a larger capital, the greater is their power of effecting the local distinction of competing bodies; this would be the result of granting amalgamation, *Loch* 1725-1731——Remarks relative to the granting of increased capital to amalgamated companies, *Booth* 2310-3313; *Simmons* 2483-2491——Statement showing the comparative market value of the share capital of twenty-three English lines in the years 1845 and 1853, together with the amount of additional capital raised on those lines within that period, *Rep.* v., *App.* 237——Statement of capital of English railways; forty lines exclusive of guaranteed shares, &c., *ib.* 235——Statement of capital of Scotch railways, *ib.*——Similar statement, with respect to Irish railways, *ib.* 236——Statement of capital paid up by twelve French railways, and the value of such capital,

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Rep. v., *App.* 236——Statement of the amount of paid-up capital of railways in the United Kingdom (exclusive of borrowed capital and shares of railways at guaranteed rates of interest, or railways leased at fixed rentals); also, the value of such capital at the market price, *ib.* 234.

See also *Amalgamations*, 4. *Borrowed Capital.* *Cost of Construction of Railways.* *Dividends.* *Expenditure of Railways.* *Great Northern Railway.* *New Lines.* *Parliamentary Expenses.* *Surplus Capital.*

Capital Accounts. At the time of the amalgamation the capital account of the amalgamated company should be specified, and should be closed, *Swift* 818, 819——There would be no difficulty in forming a proper estimate of the amount at which the capital account ought to be closed, so as to do justice between the public and the railway company, *Bromley* 2069——Opinion that capital accounts should, if possible, be closed; the capital account of some lines ought to have been closed long since; they ought none of them to have a capital account opened, except for a specific purpose, and then the expenditure ought to be for that specific purpose, *Locke* 2931–2936. 2988, 2989——Frequency of unnecessary expenditure by railway companies on this account, *ib.* 2988, 2989.——*See* also *Great Northern Railway.*

Carriage of Goods. Objection to any Government department having control over the rates charged for the carriage of goods; it is decidedly advantageous to the public that a company within the limits of their Parliamentary maximum should have the perfect liberty of arranging their tolls, *Laing* 194–198——If a question arose between two railway companies as to the rates at which goods should be forwarded from one line to another, arbitration would be a fair way of dealing with it, *ib.* 204, 205——Negotiation which took place with the view of an arrangement being entered into between the Great Western and the London and North Western Companies, as to rates of goods; as that negotiation assumed the aspect of a combination, the directors of the Great Western refused their sanction, *Saunders* 1332–1336——Large proportion of traffic which the railways carry at extremely low rates for long distances, such as coal and slates; the railways compete with the canals for the heavy traffic quite as much as for the light, *Mellish* 1589, 1590——Witness wishes Parliament to secure to the public such a state of circumstances as would produce charges as low as reasonably may be for the carriage of goods throughout the country, *Loch* 1705, 1706.

See also *Arbitration*, 3. *Canals.* *Coal Traffic.* *Equal Rates.* *Freights.* *Ipswich.* *Iron Trade.*

Central Government Board of Control. See *Board of Trade.* *Government Control.*

Centralisation of Control. Objection to the adoption of a system of control of railways so centralised as that of either France or Belgium, *Stephenson* 1056.

Chorley Station (*Lancashire and Yorkshire Railway*). Statement as to an accident which happened on the 18th January 1853, at Chorley, on the Lancashire and Yorkshire Railway; the regulations in this case were insufficient to secure the safety of trains, *Simmons* 2542–2544——Circumstances attending the accident at Chorley; witness differs with the conclusions arrived at in Captain Galton's report on the subject to the Board of Trade, *Laws* 3640–3684——Opinion that the engine-driver of the passenger train was blameable, as well as the engine-driver and guard of the cattle train; grounds for this opinion, *ib.* 3647–3654. 3661——How far witness agrees with Captain Galton's propositions as to the precautions to be taken to prevent any future accident at Chorley, *ib.* 3655–3660——Reports and correspondence relative to the accident which occurred near the Chorley station on the 18th January 1853, *Rep.* iii., *App.* 216–230——Examination of several witnesses by Captain J. M. Laws, with respect to the collision near Chorley; remarks thereon, *Rep.* v., *App.* 228–230.——*See* also *Lancashire and Yorkshire Railway.*

Clarke, Seymour. (Analysis of his Evidence.)—General manager of the Great Northern Railway; was traffic manager on the Great Western Railway, 388–390——Large portion of the traffic of the Great Northern Railway passing over portions of competing lines; the traffic of the company would be stopped if they were prevented running over the lines of other companies, 391–395——Opinion that Parliamentary powers of running over lines with which a railway have no very friendly relations are consistent with public safety, and conducive to the convenience of the public, 396, 397——If the system of running clauses sanctioned by Parliament should be carried into effect, it would be necessary that timely notice should be given, and proper arrangements made, 398–401——The public would be greatly inconvenienced if the power of running over foreign lines was denied to the Great Northern Company, 402–409.

No danger arises from the trains of different companies running over the same lines of rails, as all trains are regulated by the same signals, 409–412——Remarks as to the difficulties which have occurred at Nottingham, and the disputes between the Ambergate Railway Company and the Midland Railway Company, 413–415——A unity of manage-

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ment enables the fast and slow trains to be so arranged with reference to each other as to increase the safety of the public, 416, 417——The company owning the line should have the power of regulating the running of the trains on their line, but not of putting its veto upon the trains of another company coming upon it, 418-420—Suggestion that some department should be established as a tribunal to which appeals might be made in the event of disputes relative to the running of trains on the lines of other companies, and with power to make arrangements for the running of trains, 421 *et seq.*

The mode in which the traffic should be conducted would not be settled by this executive department, 426——How far the company which owns the line possesses any advantage over the companies running their trains at the same time, 427-443——Running powers should be held *in terrorem* over companies, but they should not be enforced if it could be avoided, 444, 445——The amalgamation of any line that forms a continuation of another line, certainly tends to the public convenience; witness does not approve of the proposed amalgamation of lines running at right angles or across one another, 446-459——Objections to amalgamations, taking the case of the London and North Western and the Midland Railways, 458, 459——What is tantamount to amalgamation is going on extensively over all the railway system, in the way of working agreements, to the exclusion of facilities for people to pass on to other lines, 460, 461.

In granting an Amalgamation Bill, the Government might acquire a power of control, and the public might have the power of appealing to some special authority, which they have not now, 462, 463——With reference to the two expresses leaving York, one of the Great Northern and the other of the North Midland Companies, within twenty minutes of each other, and running on the same line, the amalgamation of those companies might prevent this expense, but it would be to the public injury, 464-468——Nature of the existing working arrangements between the Great Northern and the North Western Railway Companies; satisfactory working of the arrangement, 469-476——Opinion that all railway disputes might be settled by arbitration, 477-481——Nature of the traffic arrangements between the Great Northern and the Eastern Counties Railway Companies; this works very satisfactorily, 482-486.

Whether with the sanction of Parliament or without it, combination between different railway companies is in progress, and is sure to be accomplished, 487-489——It is the duty of Parliament to provide security against the unprotected state in which the public will be when the competition between all railway companies shall come to an end, 490——With regard to the Parliamentary expense to which railway companies are put, if a territorial division were made, there would be much less expense in getting up new branches, because there would be no Parliamentary opposition, 491——Amount of the capital of the Great Northern Railway Company; total cost which the company sustained by reason of the Parliamentary and other contests; cost of land, &c, 492-507——Rules by which the coal traffic on the Great Northern Railway is guided, with reference to fairness and equality, between different places which seek to send coals to London, 508.

[Second Examination.]—Memorandum of award by the Right honourable W. E. Gladstone, M.P., dated 26th August 1851, as to the working arrangement between the Great Northern and the London and North Western Railway Companies. 509——Statement of receipts and payments on capital account of the Great Northern Railway, to 31st December 1851; 509——Further evidence as to the nature of the arrangements of the Great Northern Railway Company with regard to the coal traffic, 510 *et seq.*——Reason why the railway company can and do carry coal coming from long distances at less per ton than is charged for coal for shorter distances, 511-521——Great inconvenience to the public from the want of a proper arrangement of the trains running on foreign lines to enable them to book through to any station they may require; the establishment of a tribunal of appeal would remedy this, 522-536.

The facilities to passengers of booking through and going on without changing their luggage are of great importance, 537——In the event of the amalgamations taking place, the same inducement for the formation of short branch lines will not exist, and the public interests would require that there should be a power in some department to compel the large companies to work those short lines in the event of their being made by local interest, 538-544——The result of the proposed large amalgamations will be to deprive the public of conveniences which they now have, and render some central authority absolutely necessary, 545-548——Provided the amalgamations are not sanctioned by Parliament, no permanent working arrangements could be made by the companies to the inconvenience of the public, as they would be found invalid if taken into the Court of Chancery, 549-554.

A court of appeal, as proposed, would look at the expense and the interest of the company, at the same time that it would desire to give facilities to the public, 555——Great liability of the smaller lines of railway being shut up, supposing Parliament to sanction the amalgamation of great lines, 556-557——Means should be taken to ensure to the smaller lines the local traffic, and to ensure the great lines affording them sufficient accommodation

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accommodation at the points of junction, 558-567——Proposal that the country should be parcelled out into geographical divisions for railway traffic; districts into which the country might be divided, 568-577——Power should attach to some tribunal to require that the traffic that went from one geographical division to another should be carried through without delay, 568. 577.

Extent of the powers which should be given to the proposed court of appeal to compel the working of branch lines where required for the accommodation of the public, 577-582——When the division of the country has taken place, the large railway company within each district should have thenceforth an absolute monopoly of that territory, and Parliament should not grant new lines in competition with them, 583-590——Although the existing trunk lines may not be well laid out, still it is witness's opinion that there is no room for another trunk line, 588——No injury would arise from postponing the question of amalgamations; improvement taking place in the management of railways; for a time there will be certain working arrangements made, which will amount to amalgamations, 591-603.

With regard to working arrangements, they can be broken through if they are found to work injuriously for the public, whilst an amalgamation granted by Parliament could not be broken through, 604, 605——The effect of the running clauses advocated by witness would be to prevent passengers being stopped at the end of a company's line, and enable the companies to carry the passengers on other lines, 606-610——Although it will be necessary to give great powers to the proposed central authority, for the superintendence of the railways, and the companies may object, still it is the only means of meeting the difficulties of the case, 611-625——If there is no legislation on the subject, working arrangements between railway companies and virtual amalgamations will take place, so that whether anything is done or not by Parliament, amalgamations are almost inevitable, 626-629.

Opinion that there is no necessity for new trunk lines, the existing lines might lay down four lines of rails, which would be sufficient for the traffic, 630-638——Statement as to the line which separates the district of the Great Northern from the district of the London and North Western Railway in the proposed division of the country, 639.

[Third Examination.]—Circumstances under which the Great Northern Company refused to grant running powers to the Boston Company, 1432.

[Fourth Examination.]—Progress which the railway companies are making in adopting a system of communication between the guard and the driver; experiments under trial, 1984.

[Fifth Examination.]—Witness denies the conclusions of Mr. James Allport, with respect to the danger arising from the running powers possessed by the Great Northern Company over the lines of the Manchester, Sheffield and Lincolnshire and other railways, 4375-4380——Evidence in denial of Mr. Allport's statement, that the drivers and guards of the Great Northern Company are not provided with the rules and regulations of the Manchester, Sheffield and Lincolnshire line, and neglect to observe its signals, 4377-4380.

[Sixth Examination.]—Explanation as to the manner in which the coal traffic on the Great Northern line is conducted; statement to the effect that the company are simple carriers of the coals, 4606 *et seq.*——Evidence showing how far the Great Northern Company regulate the cost and quality of the coals to the public in only taking those which they can receive from the coalowner at a certain price; remarks as to the refusal of the company to undertake the conveyance and sale of the coals of Mr. Nicholas Wood, 4606-4641.

Clearing-house. Explanation with respect to the railway clearing-house, *Huish* 1227-1231——It should be imperative that the clearing-house see that all accounts are regularly kept, *Roy* 4354-4356.

See also *Arbitration*, 1. *Communication between Guards and Drivers.*

Clifton. Reference to the late accident at Clifton, on the Lancashire and Yorkshire Railway; conflicting nature of the evidence at the coroner's inquest as to the speed at which the train was running, &c., *Hawkshaw* 3438-3446.

Closing of Capital Accounts. See *Capital Accounts.*

Closing of Lines. Great liability of the smaller lines of railway being shut up, supposing Parliament to sanction the amalgamation of great lines, *Clarke* 556, 557——With regard to small amalgamations between competing lines, it might result in one of the lines being discontinued; the towns on the disused line might be exposed to some inconvenience, *Stephenson* 941-944——Objections to the Board of Trade having the power of closing railways in the event of the permanent way becoming unsound from the neglect of the companies to repair it, *Simmons* 2621-2624.

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Coal Traffic:

1. *Generally.*
2. *Remarks relative to the mode of conducting the Traffic on the Great Northern Railway.*
3. *Evidence as to the mode in which the Traffic is conducted on the Shrewsbury and Chester Line.*

1. *Generally:*

Observations of the Committee on the conveyance of coals and minerals in respect of which maximum charges have been prescribed; it is doubtful whether the companies have not the power, by denying to one person facilities which are afforded to others, of materially interfering with the freedom of trade, and frustrating the intentions of Parliament, *Rep.* iv. *p.* 5——Observations of the Committee upon the complaints from persons engaged in coal and other mineral traffic, that special favour is shewn to particular classes of traffic, to the prejudice of others; impossibility of furnishing in all cases an effective remedy for such grievances; recommendations for remedying the evil, *Rep.* v. *p.* 11—— The object of the coal proprietors is to secure the use of the railways upon payment of the present tariffs, and to fix a limit to charges which are at present indefinite, *Part* 2714——Evidence showing that the interests of the Lancashire coalowners are very prejudicially affected by the working of the railways, *ib.* 2715–2782——There is no remedy against the railways for delays, &c., as the law of carriers does not apply to the coal traffic, *ib.* 2715–2730. 2771, 2772——It should be rendered imperative on railway companies to provide locomotive power, under certain regulations, for the accommodation of the traffic, and to forward the same within a given time, and after proper notice, *ib.* 2715. 2719–2725. 2765–2770. 2783–2785. 2788–2791——Circumstance of coal proprietors submitting to additional charges beyond the tolls allowed by Parliament, for the purpose of securing due convenience and facilities; instances of this have occurred on the Lancashire and Yorkshire Railway, *ib.* 2731–2764——The facilities offered by the railways for the conveyance of the coal traffic have been very beneficial to the public, *Wood* 4553——These facilities however are not so ample as they should be, and in many instances the railway companies act with undue favour to one colliery in preference to others with respect to the charges levied for the conveyance of the coals, *ib.* 4554–4562.

2. *Remarks relative to the mode of conducting the Traffic on the Great Northern Railway:*

Rules by which the coal traffic on the Great Northern Railway is guided with reference to fairness and equality between different places which seek to send coals to London, *Clarke* 508——Nature of the arrangements of the Great Northern Railway Company with regard to the coal traffic, *ib.* 510 *et seq.*, 4606 *et seq*——Reason why the railway company can and do carry coal coming from long distances at less per ton than is charged for coal from shorter distances, *ib.* 511–521——Course pursued by the Great Northern Company in the conveyance and sale of coals along their line; the coal-owners of South Durham are exposed to considerable disadvantage from the fact of the railway not acting as simple carriers in the matter, but selling such coals as they like in London and elsewhere, *Wood* 4591–4605——All that is wanted to remedy the evil is that Parliament should compel the railway company to act as simple carriers; remarks showing that the Great Northern Company do not act as simple carriers of coals, *ib.* 4591–4598. 4605——Witness personally has been in negotiation with the Great Northern Company for the conveyance and sale of his coals; refusal of the company to undertake the matter on the ground of his asking too high a price; witness is thus prevented from bringing his coals into the London and other markets, *ib.* 4599–4604——Statement to the effect that the Great Northern Company are simple carriers of the coals, *Clarke* 4606 *et seq.* ——Evidence showing how far the Great Northern Company regulate the cost and quality of the coals to the public, in only taking those which they can receive from the coalowner at a certain price; remarks as to the refusal of the company to undertake the conveyance and sale of the coals of Mr. Nicholas Wood, *ib.* 4606–4641——The mode of conducting the coal traffic on the Great Northern Company is not justifiable; witness's coals are certainly better by 1 *s.* a ton than those sold by the company in London, and yet because he demands that extra 1 *s.* beyond the present price paid by the company they refuse to take them, and the public are allowed no option in the matter, *Wood* 4647–4654. 4658–4670.

3. *Evidence as to the mode in which the Traffic is conducted on the Shrewsbury and Chester Line:*

In consequence of the directors of the Shrewsbury and Chester Railway being owners of large collieries, there is a preference given to the conveyance of their minerals over that of others who are not connected with the direction, *Biddulph* 3989–3992——Some of the directors are very extensive coal proprietors, and favour the carriage of their own coals by charging very moderately beyond a certain large amount, *Girdwood* 3993. 3998–

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Coal Traffic—continued.

3. *Evidence as to the Mode in which the Traffic is conducted, &c.*—continued.

4001——Injurious effects of this system on the smaller coal proprietors, *Girdwood* 3993——Opinion that if a person undertakes to fill with coals any small number of waggons, he should be charged at the same rate as he who fills twenty or more waggons; there should in fact be an equal rate per ton per mile, *ib.* 3994-3997. 4002-4018——Remarks in condemnation of the system pursued by the directors of the Shrewsbury and Chester line with respect to the conveyance of coals, *Whalley* 4019-4031——In consequence of the total disregard by the Shrewsbury and Chester Company of the interest of the public, colliery property in that district has been depreciated to one-fiftieth part of its previous value, *ib.* 4019——Explanation as to the failure of certain complaints which were made on the subject to the company; applications to Parliament by witness and Colonel Biddulph have, however, been successful in protecting their own interests, *ib.* 4019. 4021-4023. 4026, 4027——The directors have been promoting their personal interests to the prejudice of the public and of their own shareholders, and have altogether perverted the powers given to them by Parliament, *ib.* 4020. 4023-4031.

Evidence in refutation of statements by Colonel Biddulph, Mr. Whalley and Mr. Girdwood, that the directors of the Shrewsbury and Chester line considered their private interest as coalowners to the prejudice of the public interest in the conveyance of coals along that railway, *Roy* 4338-4343——The same rate per mile is charged to all parties, whether sending 100 tons or 100,000 tons, and the same facilities afforded in every way, *ib.* 4339-4342——The petitions on the subject presented to Parliament by Colonel Biddulph and Mr. Whalley were not successful, as stated by the latter gentleman, *ib.* 4342, 4343——A committee appointed by the shareholders declared, after due investigation, that there was no foundation for any charge against the directors, *ib.* 4343.

See also *Arbitration*, 2. *Board of Trade. Carriage of Goods.*

Coates, Thomas. See *Pritt, George, Thomas Coates, and George B. Ellicombe.*

Combinations:

1. *Remarks generally upon the subject of Combination between Railway Companies.*
2. *Extent to which Combinations at present exist.*
3. *Opinion that Combinations will at some future period become general.*

1. *Remarks generally upon the subject of Combination between Railway Companies:*

Opinion of the Committee that there is a wide difference between arrangements of this nature and actual amalgamation by Parliamentary enactment, *Rep.* v., *p.* 6, 7——From the present state of the railway system, where combination is possible competition is impossible, *Laing* 237-239; *Swift* 787; *Stephenson* 885, 886——Necessity for Parliament preventing the combination of railways; there would be no difficulty in so doing, *Saunders* 1390, 1391. 1395——Opinion that combinations of railway companies are perfectly consistent with competition, *Loch* 1707-1709; *Russell* 1839——Opinion that combinations are not so dangerous by a great deal under the present law as amalgamations, they being definitively sanctioned by Parliament, wherefore much more evil is to be apprehended therefrom than from voluntary arrangements, *Loch* 1753-1775. 1779-1787.

Possibility of devising some mechanism by which the combinations might be rendered impossible; this is one reason why the Railway Board ought to have the power of saying in which way and by what lines the traffic should go, *Denison* 2003——Amalgamation is a very different thing from voluntary combination, as competition still exists under the latter system, *Baxter* 3515, 3516——Amalgamations are much more beneficial than voluntary combinations to the public, and also to the railway interests; instance of this in the advantage that would result from a fusion of the lines between London and Edinburgh into one continuous system, *Laws* 2629-2639——Under a general system of combination it is hardly possible for competition to exist, but even without the amalgamation of railways competition is sure to end in agreement and settlement of differences, *MacGregor* 4037-4040.

2. *Extent to which Combinations at present exist:*

The voluntary combinations of railway companies have not generally the sanction or force of law, *Rep.* iv., *p.* 4——Observations of the Committee, that while actual amalgamation requires the consent of Parliament, combination of interest under private agreement is a matter of constant occurrence, and produces to a certain extent the same result as regards the public convenience, *Rep.* v., *p.* 6——Remarks as to the combinations existing among the several lines of Lancashire and Yorkshire; they have all met, and throw the receipts from the traffic into a common fund, and have divided it in certain proportions, *Huish* 1207-1210——The present combination between the Midland and London and North Western Companies is working beneficially to the public where competition exists with the Great Western Company, as at Gloucester, by reducing the rates

Reports, 1852-53—*continued.*

COMBINATIONS—continued.

2. *Extent to which Combinations at present exist*—continued.

for the carriage of goods, but not so at the places where no competition exists, *Saunders* 1285-1294. 1374, 1375——It is to be inferred that combination takes place now in those districts where it is least conducive to the advantage of the public, *ib.* 1516-1523——Although throughout the whole district of Lancashire and Yorkshire there are innumerable lines of railway originally promoted by independent companies, there is virtually no competition between Liverpool and Manchester for the carriage of passengers and goods, but perfect combination, *Bazley* 1878-1882. 1918-1921.

3. *Opinion that Combination will at some future period become general:*

Statement of the Committee that it appears that in some shape or other ultimate combination of interest will result from the temporary competition of rival companies, *Rep.* iv., *p.* 4——Witness foresees that at some period competition in this country will come to an end, and that combination will be general, *Laing* 277-279——If the public is to be protected from combination, now is the time for Parliament to interpose, *ib.* 281, 282——There is no doubt that whether amalgamation is sanctioned by Parliament or not, it will certainly be accomplished by arrangements and combinations between the companies themselves, *Clarke* 487-489; *Swift* 699-710. 736, 737. 785, 786; *Stephenson* 885, 886; *Booth* 2269, 2270; *Locke* 2979-2987——It is the duty of Parliament to provide security against the unprotected state in which the public will be when the competition between all railway companies shall come to an end, *Clarke* 490——Opinion that the combination of railways is inevitable, and that it is in the power of Parliament by judicious arrangements to secure protection to the travelling public, and at the same time to increase the value of railway property, whilst allowing voluntary working arrangements is injurious, *Huish* 1212-1216——There can be no doubt that the tendency of competition is to produce combination, not only between railways, but even between railways and canals, *Simmons* 2335-2337. 2401-2406——Power possessed by competing companies of combining, and so getting rid of the inconvenience to them of competition, *ib.* 2460-2466.

See also *Amalgamations*, 5, 6. *Competing Lines. Competition. Division of Traffic. Increase of Rates. Working Arrangements.*

Commissioners of Railways. See *Government Control*, 1. *Railway Commission.*

Committees on Railway Bills. Recommendation of the Committee, that it be an instruction to the Committee on every Railway Bill, providing for the construction of any new railway, or for the extension of time for the completion of any railway, in case they shall find the preamble thereof to be proved, to insert in the Bill certain provisions, *Rep.* iv., *p.* 6, 7——Observations of the Committee on the inconveniences arising from the present system of Committees on Railway Bills, *Rep.* v., *p.* 13——Number of Committees upon Railway Bills which have sat during the seven years, 1846 to 1852, *ib.* 15——The practice of proceeding before separate Committees has led to various evils, such as the canvassing by agents for votes upon the the different stages in the House, &c., *ib.* 16.

Although there have been several Committees upon the subject of railway legislation, their recommendations have been almost universally disregarded; each Committee of Railway Bills decide according to the facts brought before them, and altogether irrespective of any general principle, *Swift* 842-854——There is no leading principle laid down by Parliament to control or guide the decisions of Committees on Railway Bills; anything that can be of assistance to Parliament in determining principles would be desirable, *Saunders* 1510-1514——Witness knows of no more judicious mode of solving questions of railway legislation than by referring them, in the manner in which they are now referred to the Private Bill Committees, *Booth* 2271——Legislation is now carried on without rule, and different Committees come to different decisions on the same point, *MacGregor* 4050-4094——Questions of principle have frequently been decided differently by different Select Committees; this uncertainty gives rise to much speculation in new schemes, *Hon. G. Anson* 4480-4482.

See also *Amalgamations*, 1. *Gauge of Railways. Legislation* 1. *Standing Committee on Railway Bills.*

Communication between Guards and Drivers. Observations of the Committee upon the subject of establishing a means of communication between the guard and the driver of the engine, *Rep.* v., *p.* 20——Statement that after full investigation the committee of the clearing-house have adopted a scheme which they declare to be free from difficulty, *ib.*——Opinion that any of the officers of any of the railway companies who neglect hereafter to employ so obvious a means of diminishing the risk of accidents, may justly be held to be without excuse, *ib.*——Recommendation of the Committee that provision should be made for enforcing the means of constant communication between all the servants to whom the safety of the passengers in any train is entrusted, *ib.* 21.

The question of the possibility of a communication between the guards and the drivers ought to be settled beyond all doubt, and that very soon; there is not any very great difficulty

Reports, 1852-53—*continued.*

Communication between Guards and Drivers—continued.

difficulty in it; experiments should be tried to see if it could be carried into effect, *Denison* 1981-1983——Progress which the railway companies are making in adopting a system of communication between the guard and the driver; experiment under trial, *Clarke* 1984——Opinion that some means of communication between the guard and the driver of the engine ought compulsorily to be provided, *Booth* 2214. 2218-2220.

Observations with respect to the establishment of a means of communication between guards and drivers; a provision similar to that adopted in France might be made compulsory upon all companies, *Simmons* 2599-2606 ——Witness is one of a committee which has had under its consideration the best means of effecting a communication between the guard and driver, *Laws* 3569——This object has been attained by means of a string and bell, and will soon come into practical use; part taken in the matter by Mr. Sturrock, of the Great Northern Railway; how far many accidents are likely to be prevented by this communication, *ib.* 3570-3579.

Copy of memorandum with respect to the measures which have been adopted in France and Belgium, relative to the effecting of a means of communication between the guards and drivers of trains whilst in motion, and also between the passengers and the guards, and suggestions as to the means which may be adopted with a view to attaining this object in the United Kingdom, *Rep.* iii., *App.* 151-154——Copy of report from the committee of delegates of the railway clearing-houses, with respect to the best means of establishing a communication between guards and drivers, *ib.* 155-164.

Competing Lines. Without some distinctive protection being given, witness is afraid that if a new company got its capital, and brought its line before Parliament, it would be sanctioned; a competing line has always an advantage before a Committee, *Laing* 211-216 ——A great deal of money has been spent in competing lines that need not have been spent; more lines have been made than the country requires, and not laid out, in consequence of the competition, in the best possible direction for the public, *Stephenson* 989-992——In the early history of the so-called competing lines, temporarily a very considerable diminution took place in the fares and freights to the public, but in a very short time those lines coalesced and combined, and the result has been to raise the rates to a higher standard than they were before the competition commenced, *Huish* 1202——The system of amalgamation, as sought to be carried out by the London and North Western Company, would have the effect of giving great encouragement to making a third line where two would be enough, *Saunders* 1299—— Possibility of the Great Western and the London and North Western Companies competing with much advantage; the security to the public against combination being the difference in the gauges, *ib.* 1393-1395.

See also *Continuous Lines.* *Increase of Rates.* *Junctions.* *Running Powers*, 3.

Competition:

1. *Observations generally with respect to Competition between Railway Companies.*
2. *Evidence in favour of the principle of Competition.*
3. *Opinion that Competition is not applicable to Railways.*

1. *Observations generally with respect to Competition between Railway Companies:*

Observations of the Committee, that the general tendency to combination among competing lines is calculated to diminish the reliance which can be placed upon competition as a security for the public against the abuse of power by railway companies, *Rep.* iv., *p.* 4 ——The first thing to be done in dealing with the matter of railway legislation is to solve the question whether the principle of unrestricted competition is applicable to the case or not, *Laing* 91 ——When Parliament sanctions amalgamations, it to a certain extent removes from the companies amalgamated the risk of future competition, *ib.* 104-111—— Witness can quite understand that there may be some lines where the dread of competition might prevent the company from either completely developing the traffic, or building the stations in a more permanent fashion, in consequence of a portion of its funds being wasted by the supposed interference of some other line, *Locke* 2937——Remarks to the effect that competition between railways is as powerful and effective now as it was before any amalgamations took place, *Laws* 3595-3605.

2. *Evidence in favour of the principle of Competition:*

Opinion that the amalgamation of railways has a tendency to keep up prices, and to prevent that sort of rival schemes which brings the rate of charge to its minimum, *Mathews* 1136——No system can be devised that will be so efficacious for securing the interest of the public as that of a free and unrestricted competition in railroads, as well as in all other enterprises, *ib.* 1137-1148——Competition as a principle is as applicable to railways as it is to all other sorts of enterprise, *ib.* 1152——Witness does not understand competition to mean ruinous rates, that will destroy the whole value of the traffic that is to be got; the tendency of competition is to moderate and equalise rates, *Saunders* 1297 ——Witness

Reports, 1852-53—*continued.*

Competition—continued.

2. *Evidence in favour of the Principle of Competition*—continued.

——Witness believes that the true protection of the public is competition, and not Parliamentary control and restraint; competition and independence constitute the best safeguards to the public in railways, as in everything else, *Saunders* 1313–1319——Means witness would recommend Parliament to adopt, for the purpose of maintaining perfect freedom of competition between the railway companies, *ib.* 1320——Opinion that competition has been a successful element with regard to the management of railways, and ought to be maintained, *ib.* 1408——The only means of obtaining the amount of accommodation required by the public is by competition; no public Board could secure it, *ib.* 1529–1531——The great objection to large amalgamations would be, that the parties would lose a great deal of their present inducement to exert themselves, and would do away with all competition, which it is desirable to uphold, *Denison* 1988–1990. 1995, 1996.

3. *Opinion that Competition is not applicable to Railways:*

Statement of the Committee that it appears to have been established in evidence that competition fails to afford to the public the same security in respect of railway accommodation which it gives in the transactions of ordinary trade, *Rep.* v., *p.* 4——Extract from a report recently presented to the American Congress by a committee, which states that the principle of competition cannot as a general rule apply to railroad corporations, *ib.*——In order to make competition act effectually, a separation of the whole of the competitors is essential, *Laing* 92-94——Opinion that the principle of competition is quite inapplicable to railways, *ib.* 118, 119——Necessity for discouraging the theory of competition, which is the root of most of the litigation, &c., *Swift* 825–832. 975——The worst effects of competition have not been suffered, *Stephenson* 1057–1062.

See also *Amalgamations*, 4. 6. *America. Canals. Combinations. Competing Lines. Economy of Transit. Equal Rates. Gauges of Railways. Grand Junction Canal. Great Northern Railway. Great Western Railway. Huddersfield Canal. Maximum Rates. Monopoly. New Lines. Private Carriers. Territorial Districts*, 1.

Construction of Railways. Various powers given to and duties imposed on the Board of Trade with reference to the construction of railways, *Booth* 2188.

See also *Branch Lines. Cost of Construction of Railways. New Lines. Non-construction of Lines.*

Continental Lines. Advantages in the number and the speed of trains, comparing the English trains with those on the continent, *Laing* 272–274. 289.

See also *Belgium. France.*

Continuous Lines. The amalgamation of any line that forms a continuation of another line certainly tends to the public convenience; witness does not approve of the proposed amalgamation of lines running at right angles or across one another, *Clarke* 446–459——The amalgamation of continuous lines is evidently for the public interest, *Huish* 1217; *Russell* 1840; *Baxter* 3486-3488——However desirable amalgamation may be for continuous lines, it is more desirable still to have regulated amalgamation for parallel lines, *Huish* 1217, 1218——Amalgamations of continuous lines are almost necessary to prevent each company from interposing difficulties in carrying passengers through; remarks favourable to the amalgamation of the Great Western with the Shrewsbury lines, *Saunders* 1391–1395——Witness is unfavourable to the amalgamation of large companies, but favourable to the amalgamation of continuous lines of railway, *ib.* 1407——Witness does not object to the amalgamation of continuous lines of railway; there would be no difficulty in distinguishing between continuous and competing lines, *Loch* 1765–1775. 1782. 1813.

See also *Combinations*, 1. *London and North Western Railway*, 3. *Manchester.*

Conveyance of Mails. The present conveyance of the mails by railway is in many respects exceedingly unsatisfactory; insufficiency of the powers of the Post-office to remedy the existing evils, *Hill* 4389 *et seq.*——Disproportionate increase of expenditure by the Post-office since the opening of the railways; taking everything into consideration, the postal charges are much heavier than they used to be under the coach system, *ib.* 4392–4402. 4411——Remarks as to the just requirements of the Post-office against the railway companies, which are not now provided for by law, *ib.* 4403 *et seq.*——The present mode of arbitration in cases of disputes between the railways and the Post-office is very objectionable; proposal for the settlement of such disputes, *ib.* 4403–4408. 4414. 4523. *et seq.*—— Several companies have given greater facilities for the conveyance of the mails than are required by law; mention of these railways, and of the additional facilities afforded by them; the companies and the public have both benefited by those arrangements, *ib.* 4409–4412——Examination on a Bill prepared some time ago by Lord Hardwicke, for the better conveyance of mails by railways, *ib.* 4413–4431——The main features

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features of the Bill are, that arbitration is continued in respect of mails whose times of departure, &c., are fixed by the Postmaster-general, and that fixed mileage rates are established for other mails; illustration of the working of the Bill on these points, *Hill* 4414-4431

Statement of Mr. Labouchere and the Attorney-general in 1838, with respect to the power of the Crown to run its own carriages on the railways toll free, *Hill* 4432——Copy of a report made to the Postmaster-general, on 1st January 1847, "with respect to the existing arrangements between the Post-office and the various railways in the United Kingdom, and suggesting certain alterations in the law which appear expedient or necessary for the public service," *Hill* 4432-4434, and *App.* 246-249——The public convenience requires a more extended use of railways for postal purpose than it now possesses, *Hill* 4543——Larger remuneration has been paid of late years than formerly for the mileage conveyance of the mails by railways; this is attributable to the error of the present system of arbitration, *ib.* 4544-4547——Copy of a Bill delivered in by Mr. Rowland Hill, for making further provision for the conveyance of mails by railways, *App.* 243-246——Enumeration of certain facts in support of the principle of award proposed by Mr. Rowland Hill, *ib.* 249-251.

See also *Arbitration*, 1. *Post Office.*

Corder, Edward. (Analysis of his Evidence.)—Complaint lately made by witness to the Eastern Counties Railway Company with respect to the course pursued by them in sending his goods from Colchester to Ipswich by waggons, &c., instead of by the Eastern Union Company, as directed by him, 3050-3055.

Cost of Construction of Railways. Remarks relative to the great unnecessary expenditure of capital in the construction of railways in the United Kingdom; this amounts to about 70,000,000 *l.*, *Laing* 79——There is no doubt that the expenditure upon railways has been greatly in excess of what is necessary, although Mr. Laing's estimate may be too high, *Stephenson* 1044-1046. 1091——No doubt a great deal of capital has been expended unnecessarily by the railway companies, but not uselessly, as there is growing out of that expenditure and rivalry a much better system of railways than in any other part of the world, *Saunders* 1377.

See also *Arbitration*, 2. *Branch Lines.*

Court of Appeal. A court of appeal would look at the expense and the interests of the company at the same time that it would desire to give facilities to the public, *Clarke* 555——Extent of the powers which should be given to the proposed court of appeal to compel the working of branch lines where required for the accommodation of the public, *ib.* 577-582.——*See* also *Disputes.* *Open Courts.*

Cowell, Samuel Harrison, and Rodwell, William. (Analysis of their Evidence.)—(*Mr. Cowell.*) Is mayor of Ipswich, 3023——The inhabitants of Ipswich suffer great inconvenience from the manner in which the railway communication from thence to London is conducted; this grievance is attributable to the course pursued by the Eastern Counties Railway Company, 3024-3049——Resolutions lately agreed to at a public meeting in Ipswich, condemnatory of the conduct of the Eastern Counties Company towards the Eastern Union Company, with respect to the traffic between Colchester and Ipswich, 3030——Consignments ordered to be forwarded direct from London to Ipswich by railway are frequently sent on from Colchester by waggons, &c., to the injury of the Eastern Union Company, and the great annoyance of the people of Ipswich, 3035-3049.

CRIMINAL LAW:

1. *Remarks relative to the present Law of England as bearing on the responsibility of Railway Officials.*
2. *Suggestions for improving the Practice; how far it would be advantageous to introduce the Scotch Law into England.*
3. *Particulars relative to the Scotch Criminal Law, as applied to Railway Management.*

1. *Remarks relative to the present Law of England as bearing on the responsibility of Railway Officials:*

Observations of the Committee upon the subject of the criminal law of England and Scotland; the existence of a public prosecutor in Scotland is a circumstance bearing directly upon the difference between the stringency of the Scottish and that of the English law in regard to railways, *Rep.* v., *p.* 18——In England justice has frequently failed in the investigations which have taken place consequent upon accidents on railways, *Simmons* 2637——Difficulty of bringing a criminal prosecution home to a man who, when ordered to run not more than thirty-five miles or any given speed, considerably exceeds that speed, and endangers the safety of the train, *Hawkshaw* 3355-3378——In the

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CRIMINAL LAW—continued.

1. *Remarks relative to the present Law of England, &c.*—continued.

the case of engineers or directors neglecting to perform any essential duty, or of repairing any imperfection in the permanent way, as required by the Government inspectors, the law at present is able to reach them in case of any accident arising through their neglect, *Hawkshaw* 3405-3422.

2. *Suggestions for improving the Practice; how far it would be advantageous to introduce the Scotch Law into England:*

The criminal law might be altered, so that railway officers and servants would become personally responsible for any accidents arising from neglect of duties; this would have the effect of promoting public safety, *Locke* 2954-2972——Possibility of introducing a system of arrangement, compulsory by law upon the companies, by which the individual officers should be specified and registered, so that neglect in any particular department could be more easily brought home if the criminal law should think fit to take cognisance of it, *ib.* 2966——Evidence generally to the effect that any more stringent application of the criminal law, in cases of railway accidents, will neither prevent the recurrence of such accidents nor improve the management of railways, *Hawkshaw* 3351-3432——If the penalty to the engine driver of loss of life (as is often the case when accidents occur) does not prevent neglect of duty, the application of the criminal law will certainly not do so, *ib.* 3353-3357——Railway directors and officials are themselves most interested in providing against accidents, and any further application of the criminal law will only retard their efforts in the matter without adding to the security of the public, *ib.* 3379 *et seq.*——The Scotch criminal law, as applicable to managers of Scotch railways, might with advantage be extended to England; persons culpably negligent should be criminally responsible, *MacGregor* 4140-4146——Evidence to the effect that it is not desirable or advantageous to introduce into this country the law of Scotland, as regards the criminal responsibility of railway managers, *Allport* 4290-4312——Recommendation that the general responsibility, under the stock law, be applied to England, *Roy* 4353.

3. *Particulars relative to the Scotch Criminal Law as applied to Railway Management.*

The Scotch law is much more efficacious than the English law for bringing offenders to justice and securing the safety of the public on railways, *Simmons* 2634-2636; *Right Honourable the Lord Advocate* 3564-3567——Evidence as to proceedings now taken according to the law of Scotland against railway officials whose negligence may have led to loss of life or to serious accidents, *Right Honourable the Lord Advocate* 3528. 3534 *et seq.*——The Scottish law also applies to the management of passengers by steamboats; instance of this in the case of the "Orion" steamer, when the master and mate were respectively imprisoned and transported for culpable neglect, *ib.* 3529-3534. 3551——Instances of accidents on the Edinburgh and Glasgow, North British, and other Scotch lines, where the engine drivers, &c. were punished under the criminal law, *ib.* 3534-3539. 3542——Application of the Scotch law to railway accidents arising from neglect, as laid down by the Lord Justice Clerk, *ib.* 3535. 3543——Any culpable neglect, endangering loss of life, is by the Scotch law an indictable offence, though no accident may have occurred, *ib.* 3555-3559.

See also *Directors. Indictments. Public Prosecutor. Responsibility of Officers.*

Crouch, George. See *Kimpton, Thomas, and George Crouch.*

Cubitt, Sir William. (Analysis of his Evidence.)—Has paid much attention to the subject of the amalgamation of railways, 3056——Suggestion that under certain conditions there be a complete fusion of all the railway property in the kingdom, and that there be a universal amalgamation of management by a single company, 3057-3073——Greater safety to the public in travelling would arise from a general proprietary, 3073——Consideration of the best mode of preventing accidents on railways; there should be greater liabilities and responsibilities than at present, 3074 *et seq.*——It would be an advantage if the state of the permanent way, &c. for one hundred miles or so were placed under the superintendence of one person, so that in case of accident arising from the permanent way being in bad order, he might be responsible for the result, 3077-3083. 3105-3123.

Difficulties at present existing in bringing home to any one party the cause of railway accidents, or in fixing the blame upon those who are really culpable, 3084 *et seq.*——Want of punctuality is a great cause of accidents; this occurs most frequently where several branches run into a trunk line; when branch trains are late at a junction, the main train should, after a very short delay, proceed without them, 3124-3141——There is much danger in running express trains during the day on a line where there is a station every two miles, and where ordinary trains are frequently stopping, 3135-3138. 3141. 3146, 3147——Opinion that the plans for amalgamations under the consideration of the Committee are not likely to produce much benefit, 3143-3145.

Reports, 1852-53—*continued.*

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Denison, Edmund, M. P. (Analysis of his Evidence.)—Opinion that general amalgamation would be very undesirable as regards the public, unless the greatest possible precautions were taken by Parliament, by which they would be specially guarded, 1945-1948——Suggestion for the establishment of a Railway Board of Control, with ample powers to such an extent, that they should, in point of fact, have the complete control of the machinery of the railways; manner in which the Board should be appointed; it would be an advantage if it was an open court, 1949-1970——Reference to the inconvenience of the present arrangement on the Leeds and Thirsk line; reason why they persist in that arrangement, which is so unfavourable to the public, 1970-1976——The central authority suggested by witness should have the power of fixing the time of the departure and arrival of all the trains on all the railroads in the country, if complaint is made of the public being put to inconvenience, 1977-1980——The question of the possibility of a communication between the guards and the drivers ought to be settled beyond all doubt, and that very soon; there is not any great difficulty in it; experiments should be tried to see if it could be carried into effect, 1981-1983.

[Second Examination.]—Further evidence as to the Leeds and Thirsk Railway starting their trains so as to be three minutes wrong for the Great Northern trains, 1985-1987. 2039——The great objections to large amalgamations would be, that the parties would lose a great deal of their present inducement to exert themselves, and would do away with all competition, which it is desirable to uphold, 1988-1990. 1995, 1996——Witness is decidedly in favour of a strong control being established over railways, whether amalgamation is granted or not, 1991-1994——Evidence relative to the arrangement between the Great Northern and the London and North Western Companies, who are apparently competitors to Edinburgh, by which they agree to a per-centage division of the traffic; the Great Northern Company consented to this arrangement only from pressure, 1997-2008.

Possibility of devising some mechanism by which combinations might be rendered impossible; this is one reason why the Railway Board ought to have the power of saying in what way and by what lines the traffic should go, 2003——Provided there is a general amalgamation, there would be no security whatever for the celerity of the trains; they may go at any pace they like, 2009. 2015-2017——Witness never heard of any arrangement between the Great Northern and the North Western with respect to the time of starting their trains, 2010-2014——Particulars relative to the agreement entered into between the Great Northern and the Eastern Counties Companies with respect to the Royston and Hitchin Railway, 2018-2021——Witness is not adverse to all amalgamations; each case should stand on its own merits, 2022.

Remarks relative to the advantages to be anticipated from an amalgamation between the Great Northern and the Midland Railways. 2023-2033——Proposed amalgamation of the Midland and the London and North Western Railways; it would not be advantageous for those joint companies afterwards to amalgamate with the Great Northern, 2034-2038——It is natural to suppose that if these powers are given to bodies of men by Parliament, they will be exercised for their own advantage; if Parliament wish the public to be protected they must take measures accordingly, 2040, 2041——Statement showing that the amount of railway property which is under the control of the London and North Western and the Midland Railways amounts altogether to 70,000,000 *l.*; 2041-2046.

(*Mr. Swift.*)—Witness does not altogether agree with the correctness of the paper furnished by Mr. Denison as to the railway property under the control of the London and North Western and the Midland Companies, 2047, 2048——(*Mr. Denison.*)—Explanation of Mr. Swifts' objections to the correctness of witness's statement, and his remarks to the effect that the London and North Western have not 70,000,000 *l.* embarked in railways, 2049.

[Third Examination.]—Observations with respect to the working arrangements or combinations entered into between railway companies; so long as these agreements last they operate equally with amalgamations, 2502——Opinion that such agreements are quite contrary to the intention of Parliament, and that many of them are illegal, 2502.

Departure and Arrival of Trains. Observations as to the advantages which would result from the keeping of registers, in which the arrival and departure of the trains at the different stations should be recorded, as tending to a punctual observance of time, *Rep. v., p.* 20——The central authority suggested by witness should have the power of fixing the time of the departure and arrival of the trains on all the railroads in the country, if complaint is made of the public being put to inconvenience, *Denison* 1977-1980——It would be expedient to give the Board of Trade power to regulate the interval at which different trains should follow each other, *Booth* 2226, 2227——No alterations should

Departure and Arrival of Trains—continued.

take place in the times of the starting of the trains or in the fares without some previous public notice, *Simmons* 2343——Absolute necessity for some provisions for the regulations of trains, as to their arrival and departure, &c. in the event of amalgamation; manner in which the value of property is affected by irregular trains and the frequent alteration of the times of starting, *ib.* 2343-2379.

See also *Conveyance of Mails.* *Junctions.* *Punctuality.*

Devon and Dorset Railway. The line most required by the people of Salisbury is not likely to be made, though approved of by five decisions of Parliament; the Devon and Dorset line, before the Committee on which the landowners near Salisbury have no *locus standi*, will supersede it; suggestions that Parliament interfere in the matter, *Townsend* 3458-3465.

Directors. Remarks to the effect that under certain circumstances the directors, as a body, should be severely punished in case of an accident occuring through any absence of regulations which they had not remedied when previously warned to do so, *Right Hon. the Lord Advocate* 3548-3553——Persons of rank and respectability in Scotland are not deterred by reason of the Scotch law from assuming the responsibility of railway direction, *ib.* 3554. 3560-3563——It is incompatible with the duties of directors to trade largely on their own line; Parliament should interfere either to prevent it altogether or to control it, *Whalley* 4032, 4033.

See also *Coal Traffic*, 3. *Criminal Law*, 1. 2. *Expenditure of Railways.* *Management of Railways.* *Managing Directors.*

Disputes. Possibility in certain cases, where the general convenience of a district was in question, to raise the dispute between the public and the companies in such a shape as that the interposition of the railway department might be effectually exercised, *Rep.* v., *p.* 10——Recommendation of the Committee, that where any dispute arises between two or more railway or canal companies, and the companies agree to refer it to the Board of Trade, the Board should be empowered, if it think fit, with a view to the public interest, to entertain the reference, and its decision should be valid and binding on the companies, *ib.* 21——Suggestion that some department should be established as a tribunal to which appeals might be made in the event of disputes relative to the running of trains on the lines of other companies, and with power to make proper arrangements, *Clarke* 421 *et seq.*; *Lloyd* 4211, 4212——If amalgamations between railways and canals are permitted, it will be necessary that there should be some tribunal to whom an appeal should lie upon points of dispute, *Mitchell* 696.

See also *Arbitration.* *Board of Trade.* *Joint Stations.* *Open Courts.*

District Amalgamations. Opinion that district amalgamation is very feasible, *Allport* 4224-4229——Remarks in favour of district amalgamation, *Hon. G. Anson*, 4488, 4489.

See also *Territorial Districts.*

Diversion of Traffic. Instance showing that at present, from there not being an amalgamation, traffic is diverted from its proper line; circumstances which prevent a voluntary combination taking place in this case, *Stephenson* 927-940——One advantage of a general amalgamation would be, that the traffic would flow in its natural channels instead of being sent round from one place to another, according to the private interest of the company that first receive it, *ib.* 939, 940.

Dividends. Remarks relative to the rate of dividends to be fixed on the amalgamation of railway companies, *Stephenson* 1006-1013. 1039-1043. 1096-1107——The average rate of interest now paid by the unguaranteed property of railway shareholders is very small, *ib.* 1092, 1093——The general tendency of amalgamation would be to enhance the dividends of the proprietors, but to act injuriously on the interests of the public, *Mathews* 1136——Fixing a maximum dividend as one condition of granting amalgamation would produce no security; means would be found of enlarging the capital to continue getting the maximum dividend, *Saunders* 1527.

See also *Amalgamations*, 1. 4. *Audit of Accounts.* *Revision of Tariff.*

Division of Traffic. Instance of the evils of a division of traffic with reference to Hastings; the only remedy is by the amalgamation of the South Eastern and Brighton Railway Companies, *Laing* 240.

See also *Great Western Railway.* *Working Arrangements.*

Durell, David Vavasor. (Analysis of his Evidence.)—Appears on behalf of the Oxford Canal Company, 2792——In the event of an amalgamation being permitted between the London and North Western and Midland Railways, the Oxford Canal should be included therein, otherwise the united power of the railways would enable them to ruin the canal, 2793-2799. 2815-2833. 2858-2867——The protective clauses claimed by the Grand Junction Canal Company, provided amalgamations are sanctioned, would not meet the wants of the Oxford Canal, but would rather be prejudicial to its interests, 2800-2802. 2812-2814. 2828-2833——A restriction as to rates might be fixed on the Oxford Canal Company

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Durell, David Vavasor. (Analysis of his Evidence)—*continued.*

Company if it were amalgamated with the railway companies; the present maximum toll might be diminished, 2803-2811. 2819-2824.

Remarks as to the loss experienced by the London and North Western Company with respect to the traffic on the Buckinghamshire line; the competition with the Oxford Canal has lowered the rates on both sides to an unremunerative amount, 2824, 2825. 2834-2836. 2854-2857——Opinion that many accidents would be prevented by an amalgamation between railways and canals, 2826, 2827——There has been considerable depreciation in canal property since the opening of railways, 2834-2836. 2854-2857——How far, under certain protection from Parliament, canals might exist as independent systems without suffering from the amalgamation of railways, 2859-2863.

E.

Ealing. Particulars of an accident on the 24th February 1853 at Ealing, on the Great Western Railway; that accident is now under investigation, *Simmons* 2559.

Eastern Counties Railway Company. See *Fares. Ipswich. Royston and Hitchin Railway. Traffic Arrangements.*

Eastern Union Railway Company. See *Ipswich.*

Economy of Transit. Previous to the introduction of railways into the South Staffordshire district, no plan was found so effective for securing economy of transit as that of getting a sort of competition between the canals, *Mathews* 1121, 1122——There has been the usual increase of economy in transit of traffic between Birmingham and South Staffordshire as connected with the outports; the broad gauge coming into the district has lowered the rates, *ib.* 1180-1188.

Edinburgh and Glasgow Railway. See *Criminal Law*, 3. *North British Railway. Working Arrangements*, 2.

Electric Telegraph. Suggestion of a series of telegraphic stations, intended and worked solely for securing the safety of trains; a perfect system might very easily be arranged by means of the telegraph, *Simmons* 2591.

Ellicombe, George B. See *Pritt, George, Thomas Coates and George B. Ellicombe.*

Engine Drivers. If the engine drivers were better educated, and a better class of men generally, than they are at present, many accidents might be avoided, *Sturrock* 3167-3172.——*See* also *Communication between Guards and Drivers. Criminal Law*, 2.

Engines. Objection to working engines up to their full power for passenger traffic, *Stephenson* 1019-1025. 1028-1033——It very seldom happens that trains are overloaded with passengers beyond the reasonable powers of the engine; witness does not agree that numerous accidents have occurred from this cause, *ib.* 1028-1038——Necessity for the power of engines being accurately determined with reference to the speed and weight of trains; the limited weight being registered, should on no account be exceeded, *Simmons* 2589-2591——Witness is responsible for the engines of the Great Northern Railway being in a perfect state, *Sturrock* 3154, 3155. 3164, 3165——The expense of constructing engines is greater than it used to be, but they are made to possess greater power and capabilities than formerly, *ib.* 3156, 3157——Opinion that comparatively few accidents arise from the defective construction of the engine, *ib.* 3158, 3159.

Mode of testing an engine when it is first made, *Sturrock* 3160-3166——There are several means of testing when an engine becomes unfit for work; on well regulated railways there is an examination after every trip, *ib.* 3173-3176——Some engines are very dangerous beyond a certain rate of speed, but perfectly safe at a low speed; advantage of six or eight-wheeled engines for the purpose of a high velocity, *ib.* 3177-3180——Greater punctuality would be attained if the engines were loaded below the maximum power; mileage cost of running a single train; by dividing heavy trains there would be considerable extra expense, *ib.* 3219-3249——The companies are always immense sufferers by accidents or collisions; they are the most interested in keeping their engines in efficient repair, and from witness's knowledge, spare no expense in doing so, *ib.* 3259-3262. 3268-3272——The engines on any line could be classified, and the load fixed which each engine might take at a given speed; in case of this load being exceeded, and an accident arising, the responsibility should attach to the party who had given directions in the matter, *ib.* 3278-3282.

Equal Rates. Equal rates are approved by the Great Western Company; willingness of the company to enter into an arrangement with the London and North Western Company for equal rates, *Saunders* 1433-1444——Opinion that equal rates are perfectly consistent with competition, *ib.* 1439——Remarks relative to the equal rates clause; a company will always favour a long traffic, because they will undoubtedly make a greater profit by it, *Locke* 2990-2994.

See also *Competition*, 2. *Working Arrangements*, 4.

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Excursion Trains. Suggession that the number of carriages and of passengers by excursion trains be limited by the Board of Trade; it is a frightful thing to take so many as 1,000 passengers in an excursion train, and witness, as manager, is in perpetual fear and anxiety as to the result, *Laws* 3801–3814——The directors generally may be blameable in incurring danger by overloading excursion trains, &c., but the Board of Trade are also blameable in sanctioning such proceedings, *ib.* 3808–3814.

See also *Lancashire and Yorkshire Railway.*

Expenditure of Railways. There would be no difficulty in deciding what items ought to be carried to revenue and what to capital, *Bromley* 2122–2128; *Simmons* 2481–2484—— There would be no difficulty on the part of directors in properly controlling their expenditure; they might incur extravagant expenditure, but that would be subject to control, *Anderson* 2169–2185——Suggestion that for any considerable expenditure the companies wish to incur they should come for the Board of Trade's sanction before they commenced it, *Simmons* 2492–2499—— Remarks generally with respect to what items of expenditure should be placed to capital and what to the revenue accounts; it is the tendency at present on the part of railway companies to charge things to capital which ought more wisely to be charged to revenue, *Locke* 2913–2930. 2934–2940.

See also *Capital Accounts.* *Cost of Construction of Railways.* *Permanent Way.* *Working Expenses.*

Expense of Management. Opinion in favour of amalgamation, as it would save great expense in the management of railways, *Stephenson* 951–956.

Express Trains. With reference to the two expresses, one of the Great Northern and the other of the North Midland Companies, leaving York within twenty minutes of each other, and running on the same line, the amalgamation of those companies might prevent the expense, but it would be to the public injury, *Clarke* 464–468——There is much danger in running express trains during the day on a line where there is a station every two miles, and where ordinary trains are frequently stopping, *Sir W. Cubitt* 3135–3138. 3141. 3146, 3147.

Extension of Lines. Without some better security for the future than is now possessed, very few lines are in a position to make any further outlay, *Laing* 242–249.

Extra Lines of Rails. In a few years some of the main lines will be compelled to have distinct lines for the passenger, and for the goods traffic, that is four lines instead of two, *Laing* 252–254——Opinion that the public would be better served by the existing companies laying down four lines of rails on the existing lines than by the formation of a new line parallel with it, having distinct stations, &c., *Swift* 877–880——Objection to the London and North Western Company putting down four lines of rails; it would be attended with very great inconvenience, *Locke* 2937.

F.

Fares. The railway companies could not raise their fares, in the event of amalgamation being granted, as nearly all the companies are at the present time taking their maximum fares, *Stephenson* 912–914. 947——Observations as to the fares for long and short journeys; reducing the fares on short journeys might increase the local traffic, but reducing the long journey fares would not increase the number of passengers to any perceptible degree, *ib.* 915–923——Wherever there is steam-boat accommodation with which the railways compete, great advantages are given to the public in the fares charged, *ib.* 916——With reference to passenger fares, railway companies ought not to be obliged to charge all parties the same mileage rate; it should be optional with them to charge some higher and some lower, *ib.* 924–926——In long traffic the increase of fares has no effect in driving the public off a line, *ib.* 1015, 1016.

Statement of the fares on the Great Western Railway between London and Oxford on the Bletchley line, *Saunders* 1321–1328——Arrangements entered into between the Great Western and the London and North Western Companies at Banbury and Oxford that the fares and rates of charges for goods should be the same on both lines, *ib.* 1329–1331——Particulars as to the agreement between the London and North Western and the Great Western Companies as to the rates of fares; their agreements are perfectly legal, but such as cannot be enforced by one company against another, *Huish* 1427–1431——Remarks generally upon the subject of fixing the fares of the amalgamated companies; no general rule could be applied to the fares, they must be settled by the committee in each particular case, *Simmons* 2380–2387——Necessity for the regulation of trains and the fares of companies; manner in which the value of property is affected by the unequal charges on the Eastern Counties Railway, *ib.* 2503–2505——The railway companies should publish fixed rates, and there should be no arbitrary rates imposed, *Lloyd* 4212, 4213.

See also *Arbitration*, 2. *Departure and Arrival of Trains.* *Increase of Rates.* *Maximum Rates.* *Revision of Tariff.*

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Fines. Remarks relative to imposing fines on the servants of the railway companies for neglect of duties affecting the public safety; limited number of persons who would fall under the penalties and regulations, *Simmons* 2633.

France. Remarks relative to the system of railway legislation in France, and the general working thereof, *Rep.* v., *p.* 19; *Stephenson* 995-1002——The French arterial system of railways is so far superior to ours, that it saves money and gives the best possible accommodation to the existing towns; in our arterial system we have too much regard to the interests of the termini, *Stephenson* 1047-1050——Manner in which branch lines are constructed under the French system, *ib.* 1051, 1052——Observations generally as to the precautions adopted on the railways in France for the safety of the public and the prevention of accidents; the principal precautions are strict regulations and discipline, *Simmons* 2576-2587——Ordonnance du Roi portant Reglement d'Administration Publique, sur la Police, la Sûreté et l'Exploitation des Chemins de Fer, *Rep.* iii., *App.* 165-182.

See also *Capital.* *Centralisation of Control.* *Communication between Guards and Drivers.*

Freights. Statement of the different rates of freight charged on the Grand Junction Canal in 1833 and 1852; diminution of the dividends of the company from the great reduction, *Mellish* 1542-1561——Statement as to the rates charged by the Trent and Mersey Canal since its purchase by the North Staffordshire Railway; there is no doubt they would have to reduce their rates if they were not joined to a railway, *ib.* 1562-1566.

See also *Ashton Canal.* *Tolls.*

Fusion of Railways. See *Amalgamations.*

G.

Gauge of Railways. Observation upon the subject of the gauge question; as the matter now stands, it seems to be left to the interpretation of the Committee on each Bill to come to a different conclusion upon the question, *Swift* 774-784——The gauge question would be almost the first to be settled by the proposed Central Board; manner in which witness would propose to bring the gauge question into harmony, *Stephenson* 982-992——In the event of a combination between the broad gauge and the narrow gauge from South Staffordshire to London, and that arrangement involving an increase of charge to the public, there is no doubt a rival project would be immediately started from London to Liverpool against such amalgamation, *Mathews* 1137-1148——The Gauge Act at present leaves the question very open; it is very desirable that what Parliament intended in the first instance to do, but failed to effect, should be carried out, *Huish* 1232——Arrangements may and probably will be made whenever the broad and narrow gauge interests come into rivalry, *Saunders* 1279——Witness agrees with the evidence of Mr. Mathews that the completed system of broad gauge and the completed system of the narrow gauge would be so much in fear of the intervention of rivalry of a third line in case they combined, that practically the evil of combination would be averted, *ib.* 1352-1354——The great question before railways at present is competition, whether England, Ireland and Scotland are to be bound to the narrow guage lines, or whether they are to have the option of going sometimes on the broad gauge and sometimes on the narrow; witness considers it better to have two systems than only one, *ib.* 1415——The disputes between the broad and narrow gauge prove the want of a definite principle in dealing with railway matters, *MacGregor* 4081, 4082. 4136, 4137——With respect to the gauge question, all the contests connected with the Shrewsbury lines are deviations from the principles laid down in the Gauge Act of 1846, *ib.* 4136, 4137.

See also *Break of Gauge.* *Broad Gauge.* *Mixed Gauge.* *Narrow Gauge.*

General Acts. Witness imagines that the mode of proceeding by provisional order and General Act would be cheaper than the mode of proceeding by Private Bill, *Simmons* 2500.

Girdwood, John. See *Biddulph, Colonel, M. P., George Hammond Whalley, M. P., and John Girdwood.*

Glynn, Mr. G. C. See *Mixed Gauge.*

Government Audit. See *Audit of Accounts.*

Government Control:

1. *Suggestions for the formation of a Government Board for the control of Railways.*
2. *Powers proposed to be vested in this Board.*
3. *Objections to any system of Government Control.*

1. *Suggestions for the formation of a Government Board for the control of Railways:*

Proposal for the establishment of some central Government Board to decide upon the necessity of new lines, and for the purpose of controlling where control would be

Reports, 1852-53—*continued.*

GOVERNMENT CONTROL—continued.

1. *Suggestions for the formation of a Government Board, &c.*—continued.

necessary, *Laing* 177-187; *Stephenson* 977-979——Objection to the control being vested in a commissioner specially appointed for railway purposes, *Laing* 177-187——In granting an Amalgamation Bill, the Government might acquire a power of control, and the public might have the power of appealing to some special authority, which they have not now, *Clarke* 462, 463——The result of the proposed large amalgamations will be to deprive the public of conveniences which they now have, and render some central authority absolutely necessary, *ib.* 545-548——Necessity for all railways harmonizing in their arrangements; this would be best brought about by the establishment of the proposed tribunal, *Stephenson* 980-984——Witness would not be unfavourable to the extension of powers to railways for the purpose of acting in harmony, provided there were some inspecting power that would keep such companies within the limits of their prescribed Acts of Parliament, and which would compel them to consult the convenience of the public, *Bazley* 1876-1879. 1894-1899.

Suggestion for the establishment of a Railway Board of Control, with ample powers, to such an extent that they should, in point of fact, have the complete control of the machinery of the railways, *Denison* 1949-1970; *Locke* 3012-3022——Manner in which the Board should be appointed; it would be an advantage if it was an open court, *Denison* 1949-1970——Witness is decidedly in favour of a strong control being established over railways, whether amalgamation is granted or not, *ib.* 1991-1994——With reference to the plan which has been suggested for the protection of the public in the event of amalgamations being sanctioned, such a system might possibly be carried into effect, *Simmons* 2445-2447——There would be considerable risk in granting amalgamations unless there were some means devised for controlling the companies; such a control would be beneficial both to the companies and the public, *ib.* 2472, 2473——Mode by which arrangements might be made for settling differences between railway companies and traders along their lines; suggestion as to the formation of a tribunal, which should minutely inquire into the circumstances of each case, and should enforce the adoption of just and equable rates, *Wood* 4652-4667.

2. *Powers proposed to be vested in this Board:*

The proposed department would not interfere in matters of detailed management, but would confine their interference to questions which involve principles, *Laing* 179-187——Witness would include in the power to be given to the Board of Trade, not only the power of compelling companies to make branches, but of laying out the requisite capital in improving existing lines, in order to accommodate the traffic, *ib.* 251——Although it will be necessary to give great powers to the proposed central authority for the superintendence of the railways, and the companies may object, still it is the only means of meeting the difficulties of the case, *Clarke* 611-625——Nature of the questions and disputes which should be referred to the proposed central Government Board; witness takes it for granted that the Board would not interfere except in a case where a company were exceeding their powers, *Swift* 808-814——In the Government inspection of railway accounts they should merely look to the question of appropriation and misappropriation; all those matters not extending to falsifying or cooking accounts the Government audit ought to have nothing to do with, *Bromley* 2070-2087——It would be necessary to give very summary and general powers to the central department if it is expected that that central department can in all cases protect the interests of the public from amalgamation, *Booth* 2304-2306——The Board of Trade, or any other public Board, would be able to carry into effect any powers that Parliament might think fit to place in it as to railway legislation, but it would be advisable and advantageous that the consent of railway directors should be obtained to any system that might be adopted, *Simmons* 2448-2458.

3. *Objections to any system of Government Control:*

In case different systems of amalgamations are allowed, it would not be advisable or necessary to place any control over the companies, further than a limitation of the maximum rate, *Blackburn* 2689, 2690. 2702-2709——Any extension of Government control would greatly retard the future progress and improvement of railways, *Hawkshaw* 3350. 3433-3437——With respect to any extension of Government control the same would not be advisable, as the responsibilities would then rest chiefly with the Government, and not with the railway companies, *ib.* 3433-3437. 3450-3452.

See also *Accidents. Accommodation of the Public. Belgium. Branch Lines. Centralisation of Control. Competition*, 2. *Departure and Arrival of Trains. Gauge of Railways. Management of Railways. New Lines.*

Grahame, Thomas. (Analysis of his Evidence.)—Was formerly chairman of the Grand Junction Canal Company, 3466——Is deputed to give evidence before the Committee by the Grand Union and the Leicester and Northampton Canal Company, and the Leicester Navigation Company, 3467-3468——Remarks as to the injustice to the public and the impolicy of amalgamating railways with canals, and giving railways power to fix

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Grahame, Thomas. (Analysis of his Evidence)—*continued.*

fix canal tolls at any rate they please, 3468–3469——Instance of this in the purchase of the Leeds and Liverpool Canal Company by the Midland and other railway companies, the conditions being that the canal company should give up all competition, and close up their navigation by the imposition of prohibitory tolls, 3468——Every line of canal communication in England might be shut up by arrangements with the railway companies, 3468, 3469——Necessity for the interference of Parliament to prevent the imposition of prohibitory tolls on canals; the best way to interfere would be to establish through tolls upon all canals, as being open routes; mode in which these tolls might be regulated, 3468. 3470–3481.

Grand Junction Canal. The Grand Junction Company are their own carriers on their canal, *Pixton* 352, 353——Circumstances which induced the company to become carriers, *Mellish* 1540-—The Grand Junction Company are now the largest carriers of any canal company or any private trade; formerly the traffic by canal was entirely conducted by private carriers, and canal companies themselves did not carry, *ib.*——Statement of the number of tons which are now actually carried on the canal, distinguishing the trade carried on the whole length of the canal from the local trade; comparison of the trade of 1833 with that of 1852, *ib.* 1540, 1541——How far the Grand Junction Company would be willing to give security to the canals joining their canal that they would not increase their tolls; objections of the company to give any tribunal the power of regulating their tolls, *ib.* 1599–1630——Agreements between the Grand Junction Company and the canals in connexion with them; by those agreements their tolls are limited to the same rate as the Grand Junction as long as they keep up an efficient carrying establishment, *ib.* 1620–1628——The company did not turn carriers till the competition with the railways arose, and the independent carriers were driven off by the railway, *ib.* 1630–1632——Resolution of the directors of the Grand Junction Canal Company, expressive of their willingness to submit the tolls charged by them to a public Board for revision, *Rebow* 2501——Great struggle which the canal company have been undergoing for some time to keep open the water-way as carriers, for the public good, against the railways, *ib.*——Statement of the trade navigated on the Grand Junction Canal in each year, from 1833 to 1852 inclusive, *Rep.* iii., *App.* 147.

See also *Amalgamations*, 6. *Birmingham Canal.* *Freights.* *Oxford Canal.* *Private Carriers.*

Grand Junction Railway. Address to Parliament from the Grand Junction Railway, dated 11 June 1845, in favour of the lines which they themselves were then promoting in connexion with the Great Western; it has reference to the gauge and to competition, *Saunders* 1299, 1300.

Great Northern Railway. Amount of the capital of the Great Northern Railway Company; total expense which the company sustained by reason of the Parliamentary and other contests; cost of land, &c., *Clarke* 492–507——Statement of receipts and payments on capital account of the Great Northern Railway to 31st December 1851, *ib.* 509——Particulars relative to the Great Northern Railway Company obtaining their Bill upon a low tariff, and afterwards coming to Parliament for power to increase the same; this has been the case with other railways, *Huish* 1207. 1211——Remarks relative to the advantages to be anticipated from an amalgamation between the Great Northern and the Midland Railways, *Denison* 2023–2033——Particulars of an accident on the Great Northern on 10 February 1853, by the breakage of the tire of one of the engine wheels, *Simmons* 2557, 2558——The Great Northern Railway was formed partly on the principle of competition, *Baxter* 3485——Witness cannot see any community of interest between the Great Northern and the Midland Railways, and considers that an amalgamation of the former company with the latter, or with the London and North Western, is not expedient, *Allport* 4229. 4287, 4288——Denial of a statement made by Mr. Denison, that at Retford great obstructions and difficulties were thrown in the way of the Great Northern Company's traffic to Manchester, *ib.* 4313–4326.

See also *Bowyer's Brick Siding.* *Coal Traffic*, 2. *Communication between Guards and Drivers.* *Engines.* *Express Trains.* *Leeds and Thirsk Railway.* *Little Bytham Station.* *London and North Western Railway*, 3. *Manchester, Sheffield and Lincolnshire Railway.* *Royston and Hitchin Railway.* *Running Powers*, 1. 2. 4. *Traffic Arrangements.* *Working Arrangements*, 2. *Wormsley.*

Great Western Railway. The Great Western Company contemplate one direct line between London and Birkenhead going continuously on the broad gauge; on that they consider they can compete successfully with the present line to Liverpool, *Saunders* 1413, 1414——Remarks relative to the negotiation which took place in 1849 between the Great Western and the London and North Western Companies with respect to dividing the traffic between them, *Huish* 1419–1423——Witness would not recommend that an amalgamation between the Great Western Railway and the London and North Western should be permitted by Parliament, *Russell* 1842–1853——Explanation as to the circum-

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stances under which the Great Western Company granted running powers to the Buckinghamshire line over the Birmingham and Oxford line, when that line was purchased by the Great Western, *Stephenson* 2631.

See also *Break of Gauge.* *Bristol and Birmingham Railway.* *Carriage of Goods.* *Combinations*, 2. *Competing Lines.* *Ealing.* *Equal Rates.* *Fares.* *Legislation*, 2. *Maximum Rates.* *Mixed Gauge.* *Parliamentary Expenses.* *Salisbury.* *Shrewsbury Lines.* *Wilts, Somerset and Weymouth Railway.* *Working Arrangements.*

Grouping of Bills. Remarks relative to the grouping of Railway Bills; mode by which the difficulty about grouping might be got over, in the event of the Amalgamation Bills being postponed for the decision of this Committee, *Pritt* 57-61.

Guards and Drivers. See *Communication between Guards and Drivers.*

H.

Hardwicke, Lord. See *Conveyance of Mails.*

Hastings. See *Division of Traffic.*

Hawkshaw, John. (Analysis of his Evidence.)—Civil engineer; is engaged under the Lancashire and Yorkshire Railway Company, 3337——Opinion that the system of past legislation on railways has been on the whole almost as good as any that could be devised, 3338——There is, however, a fundamental error in the system in allowing railway undertakings to be projected and afterwards sanctioned by Parliament on the mere security of paper money or scrip; there should be a security in money to ensure the *bona fides* of each undertaking, 3338-3343——A correction of the above error is all that is necessary or desirable for the protection of existing railway property, 3339. 3343——No better system than the present can be devised by which Parliamentary sanction might be obtained at a less cost to the promoters of new projects, 3342.

Opinion that the proposed division of the country into districts is utterly impracticable; it is also opposed to the growing demand of the public for railway conveyance, 3343-3345——It is very dangerous to lay down any general principle with respect to running clauses; except under peculiar circumstances such clauses should never be granted, 3346-3349——Any extension of Government control would greatly retard the future progress and improvement of railways, 3350. 3433-3437——Evidence generally to the effect that any more stringent application of the criminal law in cases of railway accidents will neither prevent the recurrence of such accidents nor improve the management of railways, 3351-3432——If the penalty to the engine driver of loss of life (as is often the case when accidents occur) does not prevent neglect of duty, the application of the criminal law will certainly not do so, 3353-3357.

Difficulty of bringing a criminal prosecution home to a man who when ordered to run not more than thirty-five miles an hour, or any given speed, considerably exceeds that speed, and endangers the safety of the train, 3355-3378——Railway directors and officials are themselves most interested in providing against accidents, and any further application of the criminal law will only retard their efforts in the matter without adding to the security of the public, 3379 *et seq.*——In the case of engineers or directors neglecting to perform any essential duty, or of repairing any imperfection in the permanent way, as required by the Government inspectors, the law at present is able to reach them in case of any accident arising through their neglect, 3405-3422.

The inspecting officers of the Board of Trade would be very useful at coroners' juries on railway accidents in eliciting the facts of the case; they are at liberty to do so now; objection to joining together the duties of public prosecutor and inspector of railways, 3423-3427——With respect to any extension of Government control, the same would not be advisable, as the responsibilities would then rest chiefly with the Government, and not with the railway companies, 3433-3437. 3450-3452——Reference to the late accident at Clifton, on the Lancashire and Yorkshire Railway; conflicting nature of the evidence at the coroner's inquest as to the speed at which the train was running, &c., 3438-3446.

The frequency of accidents at the eginning of the present year is partly attributable to the imperfect state of the way consequent on the previous incessant rains; the lines were thus unfitted for the usual rate of speed, 3447——Remarks in favour of a more frequent inspection of railways by the Board of Trade, 3447-3452——If railway companies persist in neglecting the recommendations of the Board of Trade they should be brought under the special notice of Parliament, 3453.

Heavy Traffic. See *Conveyance of Goods.*

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Hill, Rowland. (Analysis of his Evidence.)—Secretary to the Postmaster-general, 4388——The present conveyance of the mails by railway is in many respects exceedingly unsatisfactory; insufficiency of the power of the Post-office to remedy the existing evils, 4389 *et seq.*——Disproportionate increase of expenditure by the Post-office since the opening of the railways; taking everything into consideration, the postal charges are much heavier than they used to be under the coach system, 4392-4402. 4411——Remarks as to the just requirements of the Post-office against the railway companies which are not now provided for by law, 4403 *et seq.*——The present mode of arbitration in cases of disputes between the railways and the Post-office is very objectionable; proposal for the settlement of such disputes, 4403-4408. 4414.

Several companies have given greater facilities for the conveyance of the mails than are required of them by law; mention of these railways, and of the additional facilities afforded by them; the companies and the public have both benefited by these arrangements, 4409-4412——Examination on a Bill prepared some time ago by Lord Hardwicke for the better conveyance of mails by railways, 4413-4431——The main features of this Bill are, that arbitration is continued in respect of mails, whose times of departure, &c., are fixed by the Postmaster-general, and that fixed mileage rates are established for other mails; illustrations of the working of the Bill on these points, 4414-4431.

Statement of Mr. Labouchere and the Attorney-general, in 1838, with respect to the power of the Crown to run its own carriages on the railways toll free, 4432——Witness delivers in a copy of a report made by him to the Postmaster-general on 1 January 1847, "with respect to the existing arrangements between the Post-office and the various railways in the United Kingdom, and suggesting certain alterations in the law which appear expedient or necessary for the public service," 4432-4434.

[Second Examination.]—Further remarks as to the unsatisfactory system of arbitration at present adopted between the Post-office and the railway companies; the general result is one of great delay and uncertainty, 4523-4536. 4545-4547——Mode of arbitration necessary for settling any want of facility to the public at junctions between competing lines, 4537-4540——The public convenience requires a more extended use of railways for postal purposes than it now possesses, 4543——Larger remuneration has been paid of late years than formerly for the mileage conveyance of the mails by railways; this is attributable to the error of the present system of arbitration, 4544-4547.

Hill, Mr. Rowland. See *Conveyance of Mails.*

Huddersfield Canal. Evidence as to the systematic plan of bad treatment pursued by the London and North Western Railway Company by which Messrs. Kenworthy were driven off the Huddersfield and Manchester Canal, and the whole of the traffic of the line secured to the railway company, *Pixton* 295-301——Whilst the Huddersfield Canal remained in the hands of an independent company competition among the carriers existed, which was destroyed on its coming into the hands of the London and North Western Company, *ib.* 302-304——The object of the London and North Western Railway Company in their bad management of the Huddersfield Canal was to drive the traffic off the canal and cause it to go by railroad, *ib.* 305-322——Since the Huddersfield Canal has been in the possession of the railway company it has not received that undivided attention that it received when it was in the hands of the old proprietors; frequent instances of the stoppage of the traffic from want of water, *ib.* 323-335——There has always been a competition among the carriers on the Huddersfield Canal; there never were any working arangements or combination among them, by which a fixed rate of charges was established, *ib.* 336-339.

At present the traffic between Manchester and Huddersfield is almost exclusively in the hands of the railway company; there are a few boats on the canal, *Pixton* 354-358——Opinion that had the Huddersfield Canal remained in the hands of the former proprietors instead of coming into the possession of the Railway Company, the other canals, which join it at both ends, would have been in the receipt of a larger traffic than they are now, *ib.* 359-362——The people of Huddersfield are served worse in the carriage of goods now than before the canal passed into the hands of the railway company, *ib.* 368-371——Indifference on the part of the London and North Western Company to the state of the Huddersfield Canal, arising from their having the railway, and their not having the same interest to preserve the canal, *ib.* 372-383——It would be very injurious to the interests of the district if the Huddersfield Canal were abandoned, and the whole of the traffic went by the railroad, *ib.* 384, 385——Circumstances under which Sir John Ramsden's Canal, at Huddersfield, was sold to the Huddersfield Railway Company, and transferred by Parliament, *Loch* 1788-1797.

Huish, Captain Mark. (Analysis of his Evidence.)—General manager of the London and and North Western Railway Company, 1197——Statement of the number of lines which are in the possession and under the control of the London and North Western Company; they work the line as far as Carlisle on the north and Holyhead on the west, 1198-1201 In the early history of the so-called competing lines temporarily a very considerable

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Huish, Captain Mark. (Analysis of his Evidence)—*continued.*

diminution took place in the fares and freights to the public, but in a very short time those lines coalesced and combined, and the result has been to raise the rates to a higher standard than they were before the competition commenced, 1202——Examples of the increase of rates by the combination of competing lines, as instanced by the several lines between Liverpool and Manchester, 1203–1206——The parliamentary limitation of rates is effectual, but the limitation produced by the competition of the lines is ineffectual, 1207.

Particulars relative to the Great Northern Railway Company obtaining their Bill upon a low tariff, and afterwards coming to Parliament for power to increase the same; this has been the case with other railways, 1207. 1211——Remarks as to the combinations existing among the several lines of Lancashire and Yorkshire; they have all met and thrown the receipts from the traffic into a common fund, and have divided it in certain proportions, 1207–1210——Opinion that the combination of railways is inevitable; it is in the power of Parliament, by judicious arrangements, to secure protection to the travelling public, and at the same time to increase the value of railway property, whilst allowing voluntary working arrangement is injurious, 1212–1216——The amalgamation of continuous lines is evidently for the public interests, 1217.

However desirable amalgamation may be for continuous lines, it is more desirable still to have regulated amalgamation for parallel lines, 1217, 1218——Joint stations under one management have been a more fruitful source of quarrel and litigation than almost anything else connected with the railway system; illustration of the inconveniences to the public, 1219——Objections to running clauses; they are unjust and unfair in themselves, and dangerous to the public; frequency of running clauses being granted over a particular portion of a line in order to save the construction of a duplicate line, 1220, 1221——Witness has no objection to Government interference with the management of railways, provided amalgamations were sanctioned, 1222——Witness would not object to a Government audit, provided Government did not throw the expense of it upon the companies, 1223.

Witness assents to the principle of a limited dividend and periodical revision, provided the dividend was not fixed too low, 1224, 1225——With respect to the formation of branches, it might be left to the Board of Trade to decide which company should construct the proposed branch, 1226, 1227——Particulars as to the settlement of all disputes by arbitration at the present time when any arise between railway companies; selection of the arbitrators by the delegates at the clearing-house, 1227–1231——Explanation with respect to the railway clearing-house, 1227–1231——The Gauge Act at present leaves the question very open; it is very desirable that what Parliament intended in the first instance to do, but failed to effect, should be carried out, 1232——There would be no difficulty in deciding all complaints of the public against the amalgamated companies by means of arbitration, 1233–1237.

Evidence generally with respect to the valuation of the precise financial position of companies, with a view to their amalgamation; manner in which the pivot dividend should be calculated and fixed; no inquiry should be instituted into past expenditure, but the companies dealt with as they stand, 1238–1271——The same system of arrangement that exists between railways exists very extensively betweeen railways and canals which are not amalgamated by Act of Parliament, 1272——The invariable result of combinations between railways and canals has been an increased rate of charge to the public where there are two or three lines to convey the traffic over a district where there is only one required; instance in illustration of this statement, 1273, 1274.

[Second Examination.]—Remarks relative to the negotiation which took place in 1849 between the Great Western and the London and North Western Companies with respect to dividing the traffic between them, 1419–1423——With respect to the Shrewsbury Companies, the competition existing between them is a mere attempt of one company to see how far it can destroy the other in order to be bought off, 1425——Particulars as to the agreements between the London and North Western and the Great Western Companies as to the rates of fares; these agreements are perfectly legal, but such as cannot be enforced by one company against the other, 1427–1431.

I.

Increase of Rates. Witness sees no object that amalgamation will have, except that of raising the rates and increasing the charge on the public, or restricting the accommodation by which economy can be effected, *Mathews* 1192——Example of the increase of rates by the combination of competing lines, as instanced by the several lines between Liverpool and Manchester, *Huish* 1203–1206——Remarks relative to the increase of rates and fares on the lines in the Lancashire and Yorkshire districts, arising from the combination of the railways which were formerly competing lines, *Saunders* 1381–1389.

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Indictments. Copy of indictments in the High Court of Scotland against various persons on account of accidents on railways in Scotland; viz., Indictment against Hugh Heigh M'Lure, George Simmie, and Richard Baird, *Rep.* v., *App.* 217; Indictment against Thomas Henderson, George Langlands, and John Williams, *ib.* 218; Indictment against Robert Murray, *ib.*; Indictment against James Cardell, John Galletly, John Fulton, and James Brown, *ib.*; Indictment against William Lyall and Alexander Ramsay, *ib.*; Indictment against John M'Donald, Thomas Wilson, and John Hogarth, *ib.* 223.

Inspection of Railways. Powers vested in the Board of Trade with respect to the management and inspection of railways which are open and in full work, *Booth* 2189—— Statement of the general principle which guides the Board of Trade in determining whether the nature and character of an accident is such as to call for inspection; in consequence of the number of accidents recently occurring, the Board have applied for and received the sanction of the Treasury for an additional strength of inspection, *Simmons* 2531-2534——Impossibility of providing for the good condition of the permanent way, by placing the railways under the inspection of a Government staff, *ib.* 2662-2673——Explanation as to the inspection of new lines of railway by officers of the Board of Trade previous to their being opened for public traffic, *ib.* 2676-2678—— It would be advantageous if the Board of Trade were informed of any extensive changes made on a line of railway either as to rails or sleepers, &c. and an official inspection took place, *ib.* 2678, 2679——Some machinery might be established by which a Government interference in reference to permanent roads and defective stock of machinery might be made practicable, without taking away responsibility from the company, *Locke* 2950-2953——Remarks in favour of a more frequent inspection of railways by the Board of Trade, *Hawkshaw* 3447-3452.——*See* also *Permanent Way.*

Inspectors of Railways. The inspecting officer of the Board of Trade would be very useful at coroners' juries on railway accidents, in eliciting the facts of the case; they are at liberty to do so now; objection to joining together the duties of public prosecutor and inspector of railways, *Hawkshaw* 3423-3427——How far the inspecting officers hitherto appointed by the Board of Trade may have been qualified for the duties of their office, *Laws* 3755-3763. 3778, 3779.—— *See* also *Accidents.*

Integral Bills. Opinion of the Committee that all Railway Bills introduced into the House during the present Session should, as a general rule, be made integral in themselves, and that the greatest caution should be exercised in admitting into them, otherwise than by specific enactment, provisions which repeal, continue or extend the powers of former Acts, and that the attention of Committees on Private Bills should be directed to this point, *Rep.* i., *p.* 3——Every effort has been made, and with great success, to confine the clauses of the Bill to the objects of the Bill, and to make the Bill subject to some exceptions, conclusive *per se* without reference back to former Acts, *Pritt* 1——A new Bill to confer powers upon an existing company should be, with the exception of the provisions relating to the constitution of the company, an integral Bill by itself, so that parties affected by it should have to refer to that Bill solely, *ib.* 4-6——The effect of carrying out the suggestion of Lord Redesdale, with reference to making each Bill a separate Bill, will certainly have a beneficial effect, and improve private legislation, *ib.* 34-36——Witness is desirous of going a little further than Mr. Pritt has gone with regard to making each Bill an integral Bill; witness does not see why each Bill should not be complete in itself, *Coates* 37, 38——Witness does not agree with Mr. Coates that in all cases the Bills should be made complete in themselves; there must be cases in which it would be better to refer back to the original Act, *Pritt* 38.

Ipswich. The inhabitants of Ipswich suffer great inconvenience from the manner in which the railway communication from thence to London is conducted; this grievance is attributable to the course pursued by the Eastern Counties Railway Company, *Cowell* 3024-3049——Resolutions lately agreed to at a public meeting at Ipswich, condemnatory of the conduct of the Eastern Counties Company towards the Eastern Union Company with respect to the traffic between Colchester and Ipswich, *ib.* 3030——Consignments ordered to be forwarded direct from London to Ipswich by railway are frequently sent on from Colchester by waggons, &c., to the injury of the Eastern Union Company and the great annoyance of the people of Ipswich, *ib.* 3035-3049——Complaint lately made by witness to the Eastern Counties Railway Company with respect to the course pursued by them in sending his goods from Colchester to Ipswich by waggons, &c., instead of by the Eastern Union Railway, as directed by him, *Corder* 3050-3055.

Irish Railways. See *Capital.* *Rolling Stock.*

Iron Trade. The iron trade is dependent a great deal upon the cheap conveyance of the raw material for the manufacture of iron, *Mathews* 1120——Statement as to the charge per ton for the conveyance of goods by canal in the iron districts; reduction in the amount on the establishment of railways; diminution in the charge between Staffordshire and London, *ib.* 1166-1179.

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Joint Stations. Joint Stations under one management have been a more fruitful source of quarrel and litigation than almost anything else connected with the railway system; illustration of the inconvenience to the public, *Huish* 1219——In the case of two railway companies having a common terminus, the Board of Trade has power to enforce regulations there, so far as called for by considerations of public safety, but it is limited to that, *Booth* 2221–2224.

Junctions. Remarks of the Committee on the difficulty of arranging the intercommunication of different systems at their points of junction, *Rep.* v., *p.* 10——Observations with respect to companies so regulating the departure of their trains as to disappoint the train of another company, or refusing that interchange of carriages which obviates the necessity for a removal of luggage, *ib.*——It will be necessary that facilities should be secured for forwarding traffic at junctions and obliging companies to take carriages from other railroads on their own line, in the event of amalgamation, *Simmons* 2343. 2424. 2443——There ought to be a power of arranging to transfer the traffic from one line to another on arriving at a junction, even although their interests might be rival, *Locke* 2995-3000——When the traffic at a junction is unusually heavy, the trains should be divided, or special trains run, *Sturrock* 3252–3257——Great inconvenience now exists at junctions between different competing lines, in consequence of the non-adjustment of the trains to each other, &c.; suggestion that Parliament interfere to remedy this evil, *Baxter* 3527——In case of a territorial arrangement being carried out, the companies would not object to the interference of the Board of Trade in obtaining for the public the most convenient facilities of conveyance at junctions between different districts, *Hon. G. Anson,* 4490–4495. 4500——Mode of arbitration necessary for settling any want of facility to the public at junctions between competing lines, *Hill* 4537–4540.

See also *Branch Lines.* *Leeds and Thirsk Railway.* *Reading.* *Small Lines.* *Through Traffic.*

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Kelsey, Edward Edmund Peach. (Analysis of his Evidence.)—Mayor of Salisbury, 3283——Appears before the Committee for the purpose of explaining the inconvenience suffered by the people of Salisbury in consequence of past legislation on railways, 3284. 3336——Evidence as to the non-completion by the Great Western Company of the Wilts, Somerset and Weymouth line from Warminster to Salisbury; the interest of the public is made entirely subservient to the private interest of the company; inconvenience suffered in the meantime at the latter place, 3285 *et seq.*——The Great Western Company have powers to make the line, and have purchased land for the purpose; they have also commenced the works, but will not proceed with them, 3286-3288——Suggestion that on any railway company obtaining powers to make certain lines, they should state which of those lines they intended to proceed with, and should go on with them forthwith, and should also state which lines they meant to abandon, so as to give other companies an opportunity of making them, 3291. 3299-3321.

The powers of the Great Western to complete the line from Warminster to Salisbury expire in June 1854, after which other parties may come to Parliament for leave to make the line, 3292, 3293. 3305-3309——Persons would readily be found to carry out the undertaking, but as the Great Western have been so long in the field, and have purchased the necessary land, it would be useless for others to compete with them, 3294. 3304. 3325, 3326——A formal application has been made by the people of Salisbury to the Great Western Company to complete the line from Warminster, but they have taken no notice of the same, 3322–3324——A rule *nisi* has been obtained to enforce the making of the line, but has not yet been argued, 3335.

Kenworthy, Messrs. The effect of the bad treatment of Messrs. Kenworthy by the London and North Western Railway Company has been to cause their system of business, which formerly extended over a very great part of the kingdom, to be limited now to the traffic between Liverpool and Manchester, *Pixton* 315-318——Statement as to the annoyances by means of which the North Western Railway Company have driven Messrs. Kenworthy off the goods traffic between Manchester and London; facilities given to Pickfords and Chaplin & Horne, but refused to Messrs. Kenworthy, *ib.* 340-349——Impossibility of Messrs. Kenworthy or any single carrier going to law with the North Western Railway Company, to test the legality of any of their acts, the Company being too powerful, *ib.* 350, 351.——*See* also *Huddersfield Canal.*

Kimpton, Thomas, and George Crouch. (Analysis of their Evidence.)—Evidence to the effect that the legal rights of private carriers by railway are systematically interfered with by the London and North Western and other companies, and that the ordinary legal process of the courts of justice does not afford them a sufficient remedy, 4435-4465.

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L.

Laing, Samuel, M.P. (Analysis of his Evidence.)—Has been secretary to the railway department of the Board of Trade, 78——The railway legislation of this country has been exceedingly defective, and has entailed a great loss upon railway proprietors and upon the public, 79——Explanation as to the great waste of capital that has resulted from past railway legislation, 79-88——Assuming that there were a speculative disposition on the part of the public, there is nothing in the course of legislation or in the constitution of Committees of the House to prevent the recurrence of what took place in 1845; 89,90——The first thing to be done in dealing with the matter of railway legislation, is to solve the question, whether the principle of unrestricted competition is applicable to the case or not, 91——In order to make competition act effectually, a separation of the whole of the competitors is essential, 92–94.

If companies are allowed to amalgamate, it is only reasonable that the public should have such a security, in the way of regulation, as would place them in as good a position as they would have been in if competition had been authorised, 95–102——Amalgamations have been some protection, but it is the opinion of the railway interest generally, that they would not afford anything like a complete security, 99–102——When great companies are permitted to amalgamate, the stock of those companies sometimes derives from Parliament an additional real value, but it is very much a question of degree, 103——When Parliament sanctions amalgamations, it to a certain extent removes from the companies amalgamated the risk of future competition, 104–111.

The public would have a right to ask for some terms, if amalgamations were sanctioned by Parliament, but the question is what those terms should be, 112–114——Remarks as to the railway speculations during the railway fever some years ago; similar periods of excitement have existed; great speculation in foreign mines in 1825; 115–117——Opinion that the principle of competition is quite inapplicable to railways, 118, 119——Witness would recommend that the principle of monopoly should be recognised by the Committee, and that their proceedings should be based upon that view for future railway legislation, 120——It would be perfectly practicable to assign districts to particular companies, and to have some tribunal to refer to for that purpose; also to make a division of the traffic where two districts came into contact, 121.

Witness is opposed to any attempt to make a fusion of the different railway companies throughout the country, 122, 123——Course witness would recommend Parliament to pursue in railway legislation, provided it is decided to admit the principle of monopoly, 124——With respect to railway accounts, they are much more intelligible now than formerly; the same objections would exist now as were raised formerly to the establishment of a public auditor for the audit of railway accounts, 125–129——Railway directors would be prepared to meet Parliament with the necessary concessions, provided they got a distinct equivalent in the shape of protection, 130——Manner in which security should be found that sufficient accommodation be provided for the public in the event of monopolies of certain portions of the country being granted to railway companies, 131–171.

What witness proposes to attain for railway companies is protection from future competition, 172——Supposing that fundamental point of protection established, it will be a benefit to the railway company, and everybody else, to diminish the expense of constructing branches, which would be greatly diminished if they could be constructed without the necessity of going to Parliament, 173——There would not be the least difficulty in making amicable arrangements for the construction of as many branches as were wanted in a district by the original company, 174–176——Suggestion for the formation of a department for the control of railways, such as the Board of Trade; objection to the control being vested in a commission specially appointed for railway purposes, 177–187——The proposed department would not interfere in matters of detailed management, but would confine their interference to questions which involve principles, 179–187.

It would be much more likely that the arbitration would be satisfactory if the arbitrator were appointed *pro hâc vice*, and were not a permanent officer, 180–188——Matters in dispute between railways might be referred to the arbitration of two persons, one on each side, and an umpire, 189, 190——Within their own districts the self-interests of the companies might be trusted to provide the best accommodation in order to get the largest amount of traffic; the wider the amalgamations, the less would be the difficulty, 191–193——Objection to any Government department having any control over the rates charged for the carriage of goods; it is decidedly advantageous for the public that a company within the limits of their Parliamentary maximum should have the perfect liberty of arranging their tolls, 194–198.

If the principle of arbitration were sanctioned, it would be applicable to the alleged grievance with respect to the tolls for the carriage of goods, but the result would be unfavourable to the public, as it would rather keep up the rates than lower them, 199, 200——The parcel question is rather a question for legislation than for arbitration, 201–

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Laing, Samuel, M.P. (Analysis of his Evidence)—*continued.*

203——If a question arose between two railway companies as to the rates at which goods should be forwarded from one line to another, arbitration would be a fair way of dealing with it, 204, 205——Objectionable and dangerous nature of the running clauses, enabling one company to run over the line of another company, 206-210——Without some distinctive protection being given, witness is afraid that if a new company got its capital and brought its line before Parliament it would be sanctioned; a competing line has always an advantage before a Committee, 211-216.

Opinion that nine-tenths of the railway companies would rather abandon their amalgamations unless they had a secure and distinct protection, 216, 217——The settlement of the question need not be for ever; a long term, of something like 20 years, might be sufficient, 218——The railway companies should not have power to abandon lines at their discretion, but should be subject to the control of the Board of Trade, 219-223——There might be a difficulty in mapping out the districts among the existing companies, so as to satisfy the claims of the several companies, but the thing would not be at all impracticable; the difficulty might be solved by the Board of Trade, or by arbitration, 224-231——Witness would, to a certain extent, limit the power of amalgamation, 230, 231——There would be less financial difficulty in effecting a just amalgamation now than at any former period; it is possible to write up the stocks of all companies, 232-236.

From the present state of the railway system, where combination is possible competition is impossible, 237-239——Opinion that the present is a time when Parliament may with great advantage to the public deal with the question of amalgamations, 240——Instance of the evils of a division of traffic with reference to Hastings; the only remedy is by the amalgamation of the South Eastern and Brighton Railway Companies, 240——Without some better security for the future than is now possessed, very few lines are in a position to make any further outlay, 242-249——The great expense in the formation of lines is the terminal stations and getting to London; that is the great security the existing companies have against new competing lines, 250——If the arrangement proposed by witness were carried into effect, the stock of the existing railway companies would bear a much higher price in the market than at present, 251.

Witness would include in the power to be given to the Board of Trade, not only the power of compelling companies to make branches, but of laying out the requisite capital in improving existing lines, in order to accommodate the traffic, 251——In a few years some of the main lines will be compelled to have lines only for passenger traffic, that is, four lines instead of two, 252-254——Remarks as to the Railway Commission which formerly existed; this Commission became very unpopular, and was at last abolished, 255-261——The railway companies have got on better with the Board of Trade than they did with the Commissioners, 259——If this Committee separate without making any recommendation then each amalgamation will go upon its own merits before the Select Committee, and some will be granted and others not, 262.

Companies can make working arrangements without the consent of Parliament; they can divide traffic, 263——Witness does not consider that any further mischief would result from a continuation of the present system of railway legislation; the whole of the mischief is done and cannot be remedied, 264-270——There are great disadvantages in the present system; amalgamation and division into districts would be the best thing to be done, 271——Advantages in the number and the speed of trains, comparing the English lines with those on the continent, 272-274. 289——Importance of something like a uniform rule being laid down, and some conclusion arrived at, either in favour of or against the principle of amalgamation, 275, 276——Witness foresees that at some period competition in this country will come to an end, and that combination will be general, 277-279——The only mode of remedying the existing evils is to adopt the suggested system of districts, and give protection within them, 280-292——If the public is to be protected from combination, now is the time for Parliament to interpose, 281, 282.

Lancashire and Yorkshire Railway. Remarks in refutation of charges by Captains Simmons and Galton, that the guards and engine-drivers of the Lancashire and Yorkshire line were not provided with watches when accidents occurred at Chorley and elsewhere, *Laws* 3662-3682——There has been no accident on the line from want of knowledge of the time, *ib.* 3681, 3682——The Lancashire and Yorkshire Railway consists of 195 miles; in the four years ending December 1852, there were conveyed upon it, 220,520,476 passengers, and 6,846,572 tons of goods, *ib.* 3787-3793——During this period only five passengers have been killed; two accidents have produced these deaths; one accident was at the Burnley station, to an excursion train, when, by a carriage being lifted up, four children were suffocated by the crowd of passengers falling on top of them, *ib.* 3794-3801.

See also *Bolton Station. Chorley Station. Clifton. Coal Traffic*, 1. *Combinations*, 2. *Increase of Rates.*

Lancaster and Preston Railway. See *Running Powers*, 3.

Laws,

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Laws, Captain John Milligen. (Analysis of his Evidence.)—General manager to the Lancashire and Yorkshire Railway Company, 3568——Is one of a committee which has had under its consideration the best means of effecting a communication between the guard and driver, 3569——This object has been attained by means of a string and bell, and will soon come into practical use; part taken in the matter by Mr. Sturrock, of the Great Northern Railway; how far many accidents are likely to be prevented by this communication, 3570-3579——The public have derived vast advantages from the amalgamation of railways, but it is very questionable whether the railways themselves have been benefited thereby, 3580-3588. 3595 *et seq.*——In amalgamations between large and small lines, the former have been almost invariably the sufferers, 3582-3584.

The principle of amalgamation is unquestionably a useful one, both to the public and the railways, if carried into effect upon equitable terms, 3585-3588. 3631-3639 ——With respect to amalgamations between railways and canals, the latter have always been well remunerated for their interest when parted with, and the public have not suffered in the matter, 3589-3592——Opinion that there is no ground for complaint against the railways with respect to their fixing certain tolls upon canals amalgamated with them, 3593, 3594 —— Remarks to the effect that competition between railways is as powerful and effective now as it was before any amalgamations took place, 3595-3605——Parliament should have power to call on amalgamated companies to make any new lines that were desirable, or else to allow independent parties to come forward, without opposition, and make them, 3604-3607.

Evidence as to the advantage of having a central Board, under the sanction of Parliament, with powers to arbitrate between companies for the purpose of securing to the public the shortest, cheapest, and most convenient transit from one point to another, 3608-3628——Amalgamations are much more beneficial than voluntary combinations to the public, and also to the railway interests; instance of this in the advantages that would result from a fusion of the lines between London and Edinburgh into one continuous system, 2629-2639——Remarks as to the circumstances attending the accident at Chorley, on the Lancashire and Yorkshire Railway; witness differs with the conclusions arrived at in Captain Galton's report on the subject to the Board of Trade, 3640-3684.

Opinion that the engine-driver of the passenger train was blameable as well as the engine-driver and guard of the cattle train; grounds for this opinion, 3647-3654. 3661——How far witness agrees with Captain Galton's propositions as to the precautions to be taken to prevent any future accident at Chorley, 3655-3660——Remarks in refutation of charges by Captains Simmons and Galton, that the guards and engine-drivers on the Lancashire and Yorkshire line were not provided with watches when accidents occurred at Chorley and elsewhere, 3662-3682——There has been no accident on the line from want of knowledge of the time, 3681, 3682——How far the Board of Trade are in the habit of receiving information from the directors of railways or their officers, 3683, 3684.

Evidence with respect to an accident on the Southport line, caused by an engine running off the rails; difference of opinion on the subject between the officers of the Lancashire and Yorkshire Company and Captain Laffan, the inspecting officer of the Board of Trade, 3685-3754——Weight of the rails on the Southport line, and peculiar construction of the engine which ran off the line, 3691-3717. 3740-3746——The permanent way on the Southport line requires strengthening, but witness considers that such strengthening can be best effected with timber, and not with iron as proposed by Captain Laffan, 3719-3748——A great many accidents happen from lines being opened in an unfinished and imperfect state; the Board of Trade has not exercised proper authority on this point, 3752, 3753. 3763 *et seq.*

How far the inspecting officers hitherto appointed by the Board of Trade may have been qualified for the duties of their office, 3755-3763. 3778, 3779——Remarks in favour of a uniform system of signals and a uniform height of platforms, &c.; it is the duty of the Board of Trade to ensure safety by these and every other means in their power, 3763-3786. 3811-3814——With regard to platforms, they are now terminated by steps; accidents have arisen from this circumstance; suggestion of an inclined plane as being far preferable to steps, 3778-3786——The Lancashire and Yorkshire Railway consists of 195 miles; in the four years ending December 1852 there were conveyed upon it, 220,520,476 passengers, and 6,846,572 tons of goods, 3787-3793——During this period only five passengers have been killed; two accidents have produced these deaths; one accident was at the Burnley station to an excursion train, when, by a carriage being lifted up, four children were suffocated by the crowd of passengers falling on top of them, 3794-3801.

Suggestion that the number of carriages and of passengers by excursion trains be limited by the Board of Trade; it is a frightful thing to take so many as 1,000 passengers in an excursion train, and witness, as manager, is in perpetual fear and anxiety as to the result, 3801-3814——The directors generally may be blameable in incurring danger by overloading excursion trains, &c., but the Board of Trade are also blameable in sanctioning such proceedings, 3808-3814.

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Leased Lines. Course necessary to be adopted with regard to leased lines, in the event of an amalgamation taking place with other lines, as to making them parts of the amalgamated system or otherwise, at the time of the amalgamation, *Booth* 2316-2325.

Leeds and Liverpool Canal. See *Amalgamations,* 6.

Leeds and Thirsk Railway. Reference to the inconvenience of the present arrangement on the Leeds and Thirsk line; reason why they persist in that arrangement, which is so unfavourable to the public, *Denison* 1970-1976——Evidence as to the Leeds and Thirsk Railway starting their trains so as to be three minutes wrong for the Great Northern trains, *ib.* 1985-1987. 2039.

LEGISLATION:

1. *Evidence as to the defects in past Railway Legislation.*
2. *How far it is possible to improve the system of Legislation on Railway Bills.*

1. *Evidence as to the defects in past Railway Legislation:*

The railway legislation of this country has been exceedingly defective, and has entailed a great loss upon railway proprietors and upon the public, *Laing* 79; *Stephenson* 1091 ——Witness does not consider that any further mischief would result from a continuation of the present system of railway legislation; the whole of the mischief is done, and cannot be remedied, *Laing* 264-270——Witness regards the present system going on as likely to produce a total destruction of railway property, *Stephenson* 1014——Frequency of Parliament disregarding recommendations or decisions of any former period in railway legislation, *Saunders* 1468-1471——Opinion that Parliamentary legislation on railways has been wanting in system and principle, *Baxter* 3503, 3504——Past railway legislation has not been beneficial either to the public or to the shareholders, *Hon. G. Anson* 4468-4473—— Questions of principle have frequently been decided differently by different Select Committees, *ib.* 4480-4482.

2. *How far it is possible to improve the system of Legislation on Railway Bills:*

Remarks of the Committee, that in order to attain the desired result, the whole scheme of railway legislation must be viewed in a comprehensive spirit, and be guided by consistent adherence to uniform principles, *Rep.* v., *p.* 12——Opinion that by establishing a greater degree of regularity in its own proceedings with respect to railways, the Legislature would acquire a moral control over the companies which might exercise a beneficial effect upon the external management of the lines, *ib.*——Importance of something like a uniform rule being laid down, and some conclusion arrived at either in favour of or against the principle of amalgamation, *Laing* 275, 276——Many useful changes can be made in reference to future legislation as regards railway companies, *Swift* 698——Witness is satisfied with the present state of legislation with respect to railways, *Saunders* 1376 ——Opinion that, upon the whole, whatever objections may exist to the mode which Parliament has hitherto adopted with regard to railway legislation, no change which has been suggested is likely to be better, *Russell* 1854-1863——Supposing nothing is done by the Committee, and all the legislation goes on helter skelter, as it has gone on for many years past, no serious evil or damage will arise to the public or to the companies, *ib.* 1854-1856.

The system of past legislation on railways has been, on the whole, almost as good as any that could be devised, *Hawkshaw* 3338——There is, however, a fundamental error in the system, in allowing railway undertakings to be projected, and afterwards sanctioned by Parliament, on the mere security of paper money or scrip; there should be a security in money to answer the *bona fides* of each undertaking, *ib.* 3338-3343——A correction of the above error is all that is necessary or desirable for the protection of existing railway property, *ib.* 3339. 3343——Evidence to the effect that Parliament should adopt one general and uniform principle in legislating for railways; at present the latter are totally unconscious from one Session to another as to what may be done in the way of extensions, &c., *MacGregor* 4048 *et seq.*——Opinion that no line should be sanctioned unless satisfactory evidence can be given to show that the capital will be expended beneficially for the proprietors; this evidence has not always been required by Parliament, *ib.* 4052-4070. 4074-4080. 4106-4108——The mode suggested by witness of legislating for new railway schemes would amount to a Ministerial measure of the Session, to prescribe the lines desirable to be carried; all lines reported against by the tribunal of the Board of Trade should not be submitted to Parliament at all, *Hon. G. Anson* 4508-4522.

See also *Acts of Parliament. Amalgamations. Bills before Parliament. Capital. Committees on Railway Bills. France. Integral Bills. Monopoly. Parliamentary Expenses. Periodical Legislation. Redesdale, Lord. Speculation. Standing Committee on Railway Bills.*

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Leicester. Particulars as to an accident which occurred at Leicester on the Midland Railway, on 1 February 1853, from a disregard of regulations and defective discipline, *Simmons* 2552, 2553——Report and correspondence relative to the accident near Leicester on 1 February 1853, *Rep.* iii, *App.* 232, 233.

Little Bytham Station (*Great Northern Railway*). Particulars of a collision on 26 February 1853, at the Little Bytham station, on the Great Northern Railway, *Simmons* 2560——Report and correspondence relative to the accident at the Little Bytham station, on 26 February 1853, *Rep.* iii., *App.* 240-243.

Liverpool. See *Great Western Railway.*

Liverpool and Bury Railway. See *Bridgewater Canal.*

Liverpool and Manchester Railway. Projection and formation of the Liverpool and Manchester Railway in consequence of the high charges on the canals for the carriage of goods, *Mathews* 1123-1125.

Lloyd, William Reynolds. See *Pridmore, William Hales, and William Reynolds Lloyd.*

Local Auditors. Evidence generally as to the powers which should be vested in the local auditors for the audit of railway accounts; they should be the parties to inquire into the detail expenditure, and not the Government, *Bromley* 2078-2094——Witness has always considered that the local auditors of railways had great powers; matters should remain much as they are at present between the directors and the local auditors; their powers ought not to be limited in any way, *ib.* 2095-2097.——*See* also *Audit of Accounts*, 2.

Local Interests. In the case of Parliament sanctioning amalgamations, local parties would be entitled to lay a complaint and ask for interference, if their interests were not properly considered, *Stephenson* 945.

Local Investigations. Observations of the Committee upon the subject of local investigations; these investigations, if conducted by competent engineers, would afford an opportunity for deviations from the line laid down upon the plan, by which the objections of landowners might be obviated with great convenience and at small expense, *Rep.* v., *p.* 15—— Suggestion for the establishment of local tribunals for the settlement of all cases of dispute arising out of illegal combinations, as these combinations are generally intended to interfere with some local advantage, *Loch* 1805-1811——The county court judges might be the parties to whom such applications might be made, and in order to make it take the shape of an arbitration rather than a judicial inquiry, they should be aided by two magistrates of the district, one to be selected by either party, *ib.* 1805-1809——The decision of that tribunal should carry costs and damages with it, and not merely give damages for past grievances, but proceed in the nature of an injunction to enforce a compliance with the spirit of its decrees in future, *ib.* 1809, 1810.

See also *Court of Appeal.*

Local Traffic. One striking effect of amalgamation is to induce the railway companies to cultivate the local traffic, and even the through traffic, as much as possible, *Stephenson* 947-950——*See* also *Small Traffic.*

Loch, George. (Analysis of his Evidence.)—Barrister; has assisted Mr. Loch, one of the trustees under the Duke of Bridgewater's will, in the management of those estates, 1636-1638——Detail of the extent and limits of the Bridgewater Canal, 1639, 1640——Particulars relative to the Mersey and Irwell Navigation; motive which led to the purchase of this navigation by the Bridgewater Trust; precautions taken to prevent the public being injured by the removal of the competition, 1641-1646——Practice by which trade is carried on on the canals of the Bridgewater Trust; it has been the policy of the trustees very much to encourage the conduct of the carrying business by private carriers, 1647-1649——Statement of the tonnage of goods carried on the Bridgewater Canals in 1839, 1846, and 1852, showing the great increase, notwithstanding the competition of the railways, 1650-1652.

Description of the position of the Bridgewater Navigation with reference to other navigations connected with it, and forming outlets from it; circumstances of those several navigations, 1653-1655——The circumstances in which these navigations have been placed by arrangements of various kinds constitute considerable difficulties to the Bridgewater trustees in administering their management, 1653-1669——Where a railway company are either by Parliamentary authority owners of a canal, or have by voluntary arrangement become the owners, they are enabled to charge such rates on their railway and canal respectively as to prevent the competition of other canals with the railway, 1663-1669——The trustees of the Bridgewater Canal deprecate very earnestly the union of the Trent and Mersey Canal with the London and North Western Company, 1670-1680.

On the amalgamation of the Trent and Mersey Canal with the North Staffordshire Railway, clauses were inserted providing that there should be no partiality shown in the charge made respectively on the railway and canal for the purpose of throwing the trade off the canals on to the railway; these clauses have not been effectual, 1671-1677——

Reports, 1852-53—*continued.*

Loch, George. (Analysis of his Evidence)—*continued.*

There has been no strong ground of complaint against the North Staffordshire Company for their mismanagement of the Trent and Mersey Canal while under their control, 1681 ——Considerable traffic carried on by the Bridgewater trustees as goods carriers on the Trent and Mersey Canal; purchase from the North Staffordshire Company of their share of the traffic, 1682–1687 ——The effect of the competition with the railways has been to drive the private carriers off the canals, 1688–1696——Circumstances which induced the Bridgewater trustees to become the purchasers of the North Staffordshire Company's interest in the traffic of the Trent and Mersey Canal; strong opposition of the London and North Western Company to that arrangement, 1689–1698.

Course taken by railway companies generally towards the canal companies with which they come into competition, 1697, 1698——It is a mistake to say that railway companies charge their maximum rates where they are in competition, and rates below the maximum where they are left to themselves without competition; cases showing that competition does decrease the rates of charge, 1699–1704——Witness wishes Parliament to secure to the public such a state of circumstances as would produce charges as low as reasonably may be for the carriage of goods throughout the country, 1705, 1706——Witness does not agree with the opinion that where combination is possible competition is impossible, 1707–1709——With respect to traffic arrangements, witness does not consider them in the light of combinations; such arrangements are of a temporary nature, and a stimulus to competition does to a certain extent remain, 1709–1714.

Particulars relative to the competition carried on between the trustees of the Bridgewater Canal and the Liverpool and Bury Railway in the carriage of goods, which obliged the canal trustees to enter into an arrangement with the railway company as to a tariff of rates, the Liverpool and Bury Company being supported by the London and North Western Company; this arrangement only lasted for a few months, 1715–1724 ——Observations showing that in proportion as a railway company is more extended and has a larger capital, the greater is their power of effecting the local destruction of competing bodies; this would be the result of granting amalgamations, 1725–1731—— Opinion that it is quite possible to make regulations to secure the public safety under an open state of things, 1732–1734——Suggestions for giving any railway universal running powers over all other lines of railway; this would be the proper remedy for defeating competition, 1734–1744.

The regulations between a company enjoying those running powers, and the lines on which those running powers are exercised, should be under the control of some central authority, 1745–1747——Any party could start as a private carrier in opposition to the canal owners, the canal being a highway, 1748–1751——Running powers for all lines over all other lines would necessarily be interrupted in the case of a difference of gauge, 1752——Opinion that combinations are not so dangerous by a great deal, under the present law, as amalgamations, they being definitely sanctioned by Parliament, wherefore much more evil is to be apprehended therefrom than from voluntary arrangements, 1753–1775. 1779–1787 ——The existence of a tribunal of arbitration, before which questions of tolls in dispute between railway and canal companies could be brought, would prove in practice ineffectual, 1762, 1763.

Witness does not object to the amalgamation of continuous lines of railway; there would be no difficulty in distinguishing between continuous and competing lines, 1765–1775. 1782. 1813 ——Witness's observations are chiefly directed against an amalgamation of railways with canals, but they also apply to the amalgamation of competing lines of railway, 1769——Nature of the existing arrangements between the Bridgewater trustees and the Great Western Railway; the Bridgewater trustees are the agents of the Great Western Company for the collection of the Lancashire traffic, 1776–1778——Circumstances under which Sir John Ramsden's Canal, at Huddersfield, was sold to the Huddersfield Railway Company, and transferred by Parliament, 1788–1797——It is exceedingly dangerous to unite great railways with canals, such as the London and North Western Railway with the Trent and Mersey Canal, 1798–1800.

The Board of Trade, on account of its distance from the locality where the evils arise, is quite inefficacious as a tribunal for the settlement of railway disputes, 1801–1808 ——Suggestions for the establishment of local tribunals for the settlement of all cases of dispute arising out of illegal combinations, as these combinations are generally intended to interfere with some local advantage, 1805–1811——The county court judges might be the parties to whom such applications might be made, and in order to make it take the shape of an arbitration rather than a judicial inquiry, they should be aided by two magistrates of the district, one to be selected by either party, 1805–1809——The decision of that tribunal should carry costs and damages with it; and not merely give damages for past grievances, but proceed in the nature of an injunction to enforce a compliance with the spirit of its decrees in future, 1809, 1810.

Witness altogether deprecates any further advances of Parliament in the direction of amalgamations among great competing systems of railway companies, 1812–1815—— No injury to the interest of the Bridgewater trustees has followed from the purchase of the

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Loch, George. (Analysis of his Evidence)—*continued.*

the Trent and Mersey Canal by the North Staffordshire Railway, 1816——Remarks relative to the clauses inserted in the Act which amalgamates the North Staffordshire Railway with the Trent and Mersey Canal for the protection of the public interest; amount of tolls charged on the canal, 1816-1831——The existence of a tariff of rates between canal and railway companies does not amount, as far as the public is concerned, to the same thing as amalgamation, 1832-1835.

Locke, Joseph, M.P. (Analysis of his Evidence.)—Opinion in favour of the further amalgamation of railway companies; nature of the advantages which would be conceded to the public in return for amalgamation, 2869, *et seq.*——Evidence generally upon the subject of the audit of railway accounts; a system of audit could be rendered effectual, whether a Government audit or not, 2870-2880——Opinion that the public safety would be increased by more extensive amalgamation, 2881, 2882.——Observations as to how far railway companies should be compelled to construct branch lines for the accommodation of the public in the event of amalgamations being granted; there would be no hardship in requiring the companies to work those lines, 2883-2912 —— Remarks generally with respect to what items of expenditure should be placed to capital and what to the revenue accounts; it is the tendency at present on the part of railway companies to charge things to capital which ought more wisely to be charged to revenue, 2913-2930. 2934-2940.

Opinion that capital accounts should if possible be closed; the capital account of some lines ought to have been closed long since; they ought none of them to have a capital account opened except for a specific purpose, and then the expenditure ought to be for that specific purpose, 2931-2936——Witness can quite understand that there may be some lines where the dread of competition might prevent the company from either completely developing the traffic or building the stations in a more permanent fashion, in consequence of a portion of its funds being wasted by the supposed interference of some other line, 2937——Objection to the London and North Western Company putting down four lines of rails; it would be attended with very great inconvenience, 2937—— In regard to economy of working, there would be a great advantage in amalgamation in a great many lines; some of the lines at present are quite large enough for a proper management of their expenses, 2941.

Remarks relative to a universal amalgamation of railways, so that all the rolling stock of the kingdom should receive a common dividend, and all receipts go into a common purse, 2942, 2943——One great source of danger to the public is the neglected state of the permanent way on some lines, which aries from the tendency to economise in the necessary works for keeping the lines in repair, 2944-2949——Opinion that no Parliamentary limit ought to be imposed on speed; provided the permanent way is in good condition and the rolling stock perfect, trains may go at any speed without risk, 2945, 2946——Some machinery might be established by which a Government interference in reference to permanent roads and defective stock of machinery might be made practicable, without taking away responsibility from the company, 2950-2953.

The criminal law might be altered so that railway officers and servants should become personally responsible for any accidents arising from neglect of duties; this would have the effect of promoting public safety, 2954-2972——Possibility of introducing a system of arrangement, compulsory by law upon the companies, by which the individual officers should be specified and registered, so that neglect in any particular department could be more easily brought home if the criminal law should think fit to take cognisance of it, 2966——Observations with regard to the non-completion of the lines in the West of England, in the neighbourhood of Salisbury; witness does not agree with the general purport of Mr. Saunders's evidence upon this subject, 2973-2978—— There is no doubt that, whether amalgamation is sanctioned by Parliament or not, it will certainly be accomplished by arrangements and combinations between the companies themselves, 2979-2987.

Frequency of unnecessary expenditure by railway companies; on this account witness would recommend the closing of the capital account of the companies, 2988, 2989—— Remarks relative to the equal rates clause; a company will always favour a long traffic, because they will undoubtedly make a greater profit by it, 2990-2994——Opinion that arbitration would be a fair mode of settling differences between railway companies, 2995-3002——There ought to be a power of arranging to transfer the traffic from one line to another on arriving at a junction, even although their interests might be rival, 2995-3000 — It would not be possible by any legal enactment, according to the present state of the law, to prevent tacit arrangements between companies almost tantamount to amalgamations, 3003, 3004.

Numerous instances in which working arrangements have been entered into between railway companies for dividing the traffic, 3005-3011——Wherever the public interest would be promoted by the reference of a question to arbitration, the companies ought to submit themselves to arbitration, if the amalgamations are granted, 3011——Necessity for the establishment of some central Board for the control and management of railways;

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Locke, Joseph, M. P. (Analysis of his Evidence)—*continued.*

extensive powers necessary to be vested in this Board for the protection of the public; this would be necessary if the great scheme of amalgamations was to be put into execution, 3012-3022.

Locus Standi. The question of admission to *locus standi* upon public grounds would be decided in every doubtful instance by reference to the proposed Standing Committee, and if the nature of the case disclosed did not correspond with the allegations on which the *locus standi* was conceded, the parties would be liable to costs, *Rep.* v., *p.* 15——Recommendation of the Committee that the practice of *locus standi* should be adapted to the necessity which exists for trying in a direct manner, and with a comprehensive regard to the general advantage, the public issue involved in any scheme, and that provision should be made for the payment of costs, in cases where the proceedings of any party shall appear to have been illusory, vexatious or unwarranted, *ib.* 20——With regard to opposing Bills, the present rules of *locus standi* are a great evil, *Hon. G. Anson* 4483-4487.

London Bridge Station. Relative positions of the South Eastern and Brighton Companies with respect to the joint station at London-bridge; they run for 20 miles on the same rails; any rivalry between the companies would be prejudicial to the safety of the public; their position is a negative of running powers, *MacGregor* 4147-4149.

London and North Western Railway:

1. *Remarks as to the magnitude of the Amalgamations sought for by the Company.*
2. *Opinion in favour of the Union of the London and North Western with the Midland Railway.*
3. *Objections to the proposed Amalgamation.*

1. *Remarks as to the magnitude of the Amalgamations sought for by the Company:*

Observations of the Committee as to the magnitude of the Bills promoted by the London and North Western Company, *Rep.* iv., *p.* 5——Statement of the Committee that the Bills promoted in the present Session by the London and North Western Company involve the union under one control of a raised capital of 60,000,000*l.*, an annual revenue exceeding 4,000,000*l.*, and an extent of railway communication of upwards of 1,200 miles, *Rep.* v., *p.* 7——Statement of the number of lines which are in the possession and under the control of the London and North Western Company; they work the lines as far as Carlisle on the north, and Holyhead on the west, *Huish* 1198-1201——Statement showing that the amount of railway property which is under the control of the London and North Western and the Midland Railways amounts altogether to 70,000,000*l.*, *Denison* 2040, 2041——Witness does not altogether agree with the correctness of the paper furnished by Mr. Denison as to the railway property under the control of the London and North Western and the Midland Companies, *Swift* 2047, 2048——Explanation of Mr. Swift's objections to the correctness of witness's statement, and his remarks, to the effect that the London and North Western have not 70,000,000*l.* embarked in railways, *Denison* 2049——Particulars as to the extent of the amalgamations applied for in connexion with the London and North Western Company; the owners of that amalgamation would have the absolute command of the communication from London to Edinburgh on the west coast, *Simmons* 2340-2342.

2. *Opinion in favour of the Union of the London and North Western with the Midland Railway:*

An amalgamation of the Midland Railway with the London and North Western is much to be recommended on public grounds, the former being a continuous line with the latter to some of the most important towns in the kingdom, *Allport* 4225-4229. 4285-4288.

3. *Objections to the proposed Amalgamation:*

It is not surprising that the chairman of the Great Northern Company should state that if this amalgamation between the London and North Western and the Midland Companies were permitted to proceed, it would be impossible for that company to maintain an independent existence, *Rep.* v., *p.* 7——Objection to the large principle of amalgamation which is sought to be established by the London and North Western Railway Company, *Clarke* 458, 459; *Saunders* 1279. 1371——Respect in which the proposed amalgamations differs from the former amalgamations which have been sanctioned by Parliament; amalgamations were never carried to so large an extent as is now proposed, *Saunders* 1280, 1281——From the magnitude and description of the Midland amalgamation with the London and North Western Railway, serious evils for the public may be anticipated; it would effect a very dangerous precedent, and be seriously prejudicial to other systems passing into or through the same district, *ib.* 1281-1285. 1370-1375——Arrangements

London and North Western Railway—continued.

3. *Objections to the proposed Amalgamation*—continued.

are being made by the London and North Western Company to carry their line on to Swansea, by Newport, Abergavenny and Hereford, which are not places with which that railway naturally would have any alliance, because they have no rails of their own within miles of that country, *Saunders* 1378-1380——The London and North Western not being in the position of a continuous railway, an amalgamation between that and any other company would not be advantageous to the public, *Russell* 1842——Proposed amalgamation of the Midland and the London and North Western Railways; it would not be advantageous for those joint companies afterwards to amalgamate with the Great Northern, *Denison* 2034-2038——The amalgamations applied for by the London and North Western Company would give them a complete monopoly of the traffic from London to Edinburgh and Glasgow by the west coast, and from the intermediate districts, *Simmons* 2388-2398. 2401——Immense injury would be inflicted on the Great Northern Company by an amalgamation of the London and North Western and the Midland Companies, *Baxter* 3519-3523.

See also *Amalgamations. Birmingham. Birmingham Canal. Carriage of Goods. Combinations*, 2. *Competing Lines. Equal Rates. Extra Lines of Rails. Fares. Great Western Railway. Huddersfield Canal. Kenworthy, Messrs. Oxford Canal. Parliamentary Expenses. Private Carriers. Shrewsbury and Birmingham Railway. Shrewsbury Lines. Territorial Districts. Trent and Mersey Canal. Working Arrangements*, 2. 5.

London and South Western Railway Company. See *Working Arrangements*, 2. 5.

London Termini. A main expense in the formation of lines is the terminal stations and getting to London; this is the great security the existing companies have against new competing lines, *Laing* 250.

Lord Advocate, The Right Hon., M.P., and the Solicitor-general for Scotland. (Analysis of their Evidence.)—(*Lord Advocate.*) Evidence as to the proceedings now taken according to the law of Scotland against railway officials whose negligence may have led to loss of life or to serious accidents 3528. 3534 *et seq.*——The Scottish law also applies to the management of passengers by steamboats; instance of this in the case of the "Orion" steamer, when the master and mate were respectively imprisoned and transported for culpable neglect, 3529-3534. 3551——Instances of accidents on the Edinburgh and Glasgow, North British, and other Scotch lines, where the engine-drivers, &c., were punished under the criminal law, 3534-3539. 3542——Application of the Scotch law to railway accidents arising from neglect, as laid down by the Lord Justice Clerk, 3535. 3543.

There should be at every station parties responsible for certain duties, and they should, under certain conditions, be liable for any accidents occurring through neglect in their departments, 3536, 3537. 3540, 3541——The whole conduct of railways requires more precise legislative regulations, 3538, 3539——In the absence of proper regulations by the directors, the law of Scotland would sustain an indictment against them, 3544-3549——Remarks to the effect that, under certain circumstances, the directors as a body should be severely punished in case of an accident occurring through any absence of regulations which they had not remedied when previously warned to do so, 3548-3553——Persons of rank and respectability in Scotland are not deterred by reason of the Scotch law from assuming the responsibility of railway direction; the general feeling there is certainly not against the law, 3554. 3560-3563——Any culpable neglect, endangering loss of life, is by the Scotch law an indictable offence, though no accident may have occurred, 3555-3559——The office of Lord Advocate is mainly conducive to the efficacy of the Scotch law; preference given to the Scotch system, over that in England, of coroners' inquests, grand juries, &c., 3564-3567.

Lord Advocate of Scotland. The office of Lord Advocate is mainly conducive to the efficacy of the Scotch law; preference given to the Scotch system, over that in England, of coroners' inquests, grand juries, &c., *Right Hon. The Lord Advocate* 3564-3567.

M.

MacGregor, James, M.P. (Analysis of his Evidence.)—Chairman of the South Eastern Railway Company, 4034——Opinion that the amalgamation of railways may go on to an indefinite extent with advantage to the public interest, 4035-4040——Under a general system of combination, it is hardly possible for competition to exist, but even without the amalgamation of railways, competition is sure to end in agreement and settlement of differences, 4037-4040——Objection to running powers, as being incompatible with public safety, 4041, 4042——The fact of giving running powers over any railway against its own will and consent, amounts very much to fixing a mortgage upon it, and is a great infraction of private rights, 4042-4044. 4083-4093.

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MacGregor, James, M.P. (Analysis of his Evidence)—*continued.*

Suggestion that when a branch line connects by a shorter route any two points of a trunk line, the latter should absorb the former, 4044-4047——How far the facilities to be given by the larger line to the smaller might be settled by arbitration, 4045-4048——Evidence to the effect that Parliament should adopt one general and uniform principle in legislating for railways; at present the companies are totally unconscious from one Session to another as to what may be done in the way of extensions, &c., 4048 *et seq.*——Legislation is now carried on without rule, and different Committees come to different decisions on the same point, 4050. 4094——Each line sanctioned by Parliament should possess a security of title; the insecurity of title of the South Eastern Company is proved by the shemes constantly brought forward for new communication with Dover and the Continent, 4051, 4052.

Opinion that no line should be sanctioned unless satisfactory evidence can be given to show that the capital will be expended beneficially for the proprietors; this evidence has not always been required by Parliament, 4052-4070. 4074-4080. 4106-4108——If such a Board as that over which Lord Dalhousie presided had been possessed of sufficient authority, it might have undertaken with advantage the general legislation of railways, 4071-4075. 4109-4121. 4135——The disputes between the broad and narrow gauge prove the want of a definite principle in dealing with railway matters, 4081, 4082. 4136, 4137—— If railways are to be treated as highways, and running powers given over them, it should only be on pre-arranged conditions of toils, &c., so that there should be no infraction of vested rights, 4083-4101.

A combination of the entire railway system would be beneficial to the public, and might be arranged on terms satisfactory to the proprietors; by allowing voluntary amalgamation, subject to the revision of Parliament, this universal combination can best be arrived at, 4102-4105. 4107——Witness is by no means adverse to the construction of new railways, but considers that extensions should be carried out on just and considerate principles towards existing lines, 4106-4108. 4131-4134——Remarks as to the great benefits conferred on the country at large by the establishment of railways; the public have had the advantage, and the shareholders the disadvantage, but the former have benefited in a much greater degree than the latter have suffered, 4114-4131——With respect to the gauge question, all the contests connected with the Shrewsbury lines are deviations from the principles laid down in the Gauge Act of 1846; 4136, 4137.

Objections to a mixed gauge, as tending to increase public danger, 4138, 4139—— The Scotch criminal law, as applicable to managers of Scotch railways, might with advantage be extended to England; persons culpably negligent should be criminally responsible, 4140-4146——Relative positions of the South Eastern and Brighton Companies with respect to the joint station at London Bridge; they run for twenty miles on the same rails; any rivalry between the companies would be prejudicial to the safety of the public; their position is a negative of running powers, 4147-4149——With respect to the Reading, Guildford and Reigate line, witness explains from a certain drawing that a junction is about to be effected at Reading between it and the Great Western line, 4150-4153.

Documents delivered in, showing the value of the different railways in 1845, deducting expenses, the capital spent since, and their present value, &c., 4154-4158——The amount of the whole mortgage debt to the end of 1851 was 45,567,096 *l.*, which was borrowed at an average interest of 4·469 per cent.; this rate is being gradually reduced, 4155-4157 ——The reduction of interest on this debt, by Government undertaking the responsibility, would be a material element in any compromise between the interests of the public and of the shareholders, 4158.

[Second Examination.]—A Standing Committee of the House of Commons would be the best tribunal to decide questions of railway extensions, management, &c., 4361—— Suggestion as to extended powers being vested in the Board of Trade, with respect to proposed railway schemes and disputes between companies, &c.; either by arbitration or otherwise, the greatest amount of facility should be secured to the public, 4361. 4363-4365. 4367-4370——Uniformity of decisions by Parliament, and uniformity of rule as to the working management of railways, would greatly benefit the shareholders and the public, 4362. 4366, 4367. 4370-4374——Recommendation for reducing the broad to the narrow gauge throughout the country, 4366, 4367——The transfer of railway property, which now takes place on a stamp charged at one-half per cent. on the amount of the transaction, should be very considerably reduced, 4367.

Mails Conveyance. See *Conveyance of Mails.*

Management of Railways. A unity of management enables the fast and slow trains to be so arranged with reference to each other, as to increase the safety of the public, *Clarke* 416, 417——No injury would arise from postponing the question of amalgamation; improvement taking place in the management of railways; for a time there will be certain working arrangements made which will amount to amalgamation, *ib.* 591-603——Railway accounts are much better understood now than formerly, and railways are much better

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Management of Railways—continued.

better managed altogether, *Stephenson* 906, 907——Witness is not satisfied with the present railway management, but the public as a mass are not dissatisfied with it, *ib.* 1079-1084——Witness has no objection to Government interference with the management of railways, provided amalgamations were sanctioned, *Huish* 1222——Any minute interference of Government in the management of railways is objectionable, *Saunders* 1409——The management of railway directors is effective and conducted with economy; there is sufficient control over them by their own shareholders, *Anderson* 2160-2166——The science of railway government is of a most intricate character, and can best be perfected by a continuance of the present competition; amalgamations would greatly retard it, *Baxter* 3496-3498——Uniformity of decision by Parliament, and uniformity of rule as to the working management of railways, would greatly benefit the shareholders and the public, *MacGregor* 4362. 4366, 4367. 4370-4374.

See also *Amalgamations*, 2. *Board of Trade. Competition*, 2. *Expenses of Management. Government Control*, 2. *Working Expenses.*

Managing Directors. Suggestion that the managing directors of the several lines should be required to act under a more direct sense of individual responsibility, and with the knowledge that the Legislature will not consider the companies as fulfilling the conditions of their relation towards the public if they fail to supply all reasonable convenience to the district in which the line is situate, *Rep.* v., *p.* 19——Suggestion that it be compulsory on every railway to elect a general manager, responsible to the public and to the directors for the management, *Roy* 4353——This manager should report half-yearly to his directors on the state of the permanent way, the rolling stock, &c., and a copy of his report should be forwarded to the Board of Trade, *ib.*

Manchester. Statement of the inconvenience under which the people of Manchester labour, by reason of the want of the freedom of intercourse among the competing companies; the full facilities of a direct line have never been given to Manchester, *Bazley* 1883-1899. 1931.

Manchester, Sheffield and Lincolnshire Railway. The Manchester, Sheffield and Lincolnshire Company give all reasonable facility to the traffic of the Great Northern, but they cannot consent to any great reduction of their tolls for the sake of serving the latter company, *Allport* 4313-4326——Return from the Manchester, Sheffield and Lincolnshire Railway of the trains run in connexion with Great Northern trains since opening of town's line, 15 July 1852; *Rep.* v., *App.* 238, 239.

See also *Ashton Canal. New Holland Station. Running Powers*, 4.

Mangot's Field (*Midland Railway*). Particulars of an accident at Mangot's Field on the Midland Railway, on the 9th March 1853; the official report has not been received, *Simmons* 2566.

Manton. Particulars with respect to an accident that occurred on the 1st February 1853, at Manton, on the Syston and Peterborough branch of the Midland Railway; this was the result of defective regulations, *Simmons* 2549-2551——Report and correspondence relative to the accident at Manton on 1 February 1853, *Rep.* iii., *App.* 233, 234.

Mathews, William. (Analysis of his Evidence.)—Deputy chairman of the South Wales Railway; shareholder in the Birmingham and Oxford; owner of extensive collieries and iron works at Corbyn's Hall, Kingswinford, South Staffordshire, 1112-1117——The iron trade is dependent a great deal upon the cheap conveyance of raw material for the manufacture of iron, 1120—Previous to the introduction of railways into the South Staffordshire district, no plan was found so effective for securing economy of transport as that of getting a sort of competition between the canals, 1121, 1122——Projection and formation of the Liverpool and Manchester Railway in consequence of the high charges on the canals for the carriage of goods, 1123-1125——Present state of transit in the South Staffordshire district, 1126.

There are two sets of lines from London to Birmingham, one on the broad guage and the other on the narrow gauge, which will shortly be completed to Wolverhampton; the object of the manufacturers of the Birmingham and South Staffordshire district is to get that carried on from Birmingham to Liverpool, 1126, 1127——The London and North Western Railway Company have been the great purchasers of canal transit in the district of South Staffordshire and Birmingham; that gives them such a degree of influence on the canal interest as to more or less control the traffic, 1128-1133——Remarks relative to the extension of the broad gauge to Birmingham and Wolverhampton in 1845; 1134, 1135——Opinion that the amalgamation of railways has a tendency to keep up prices, and to prevent that sort of competition between rival schemes which brings the rate of charge to its minimum, 1136.

The general tendency of amalgamations would be to enhance the dividends of the proprietors, but to act injuriously on the interests of the public, 1136——In the event of a combination between the broad gauge and the narrow gauge from South Staffordshire

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to London, and that arrangement involving an increase of charge to the public, there is no doubt a rival project would be immediately started from London to Liverpool against the existing amalgamation, 1137-1148——Opinion that no system can be devised that will be so efficacious for securing the interest of the public as that of a free and unrestricted competition in railroads, as well as in all other enterprises, 1137-1148——Supposing the increase of traffic were to make the companies highly remunerative at the present rates of charge, it would be reasonable that the public should have the benefit of a portion at least of that increase in a reduction of the charges, 1149-1151.

Competition as a principle is as applicable to railways as it is to other sorts of enterprise, 1152——Although witness is strongly opposed to Government amalgamations, he does not object to the traffic arrangements and combinations of railways, as the competing spirit of the public would be sufficient protection, 1153-1165. 1189-1192——Opinion that the schemes of amalgamation are all essentially defective, and would not accomplish the object proposed by the advocates of amalgamation, and at the same time Government supervision and control, 1163-1165——Statement as to the charge per ton for the conveyance of goods by canal in the iron districts; reduction in the amount on the establishment of railways; diminution in the charge between Staffordshire and London, 1166-1179.

There has been the usual increase of economy in transit of traffic between Birmingham and South Staffordshire, as connected with the outports; the broad gauge coming into the district has lowered the rates, 1180-1188——Witness sees no object that amalgamation will have, except that of raising the rates and increasing the charge on the public, or restricting the accommodation by which economy can be effected, 1192——Witness is not satisfied that the public have already attained the maximum of advantage in the reduction of rates; it is to competion that witness looks for securing future reductions, 1193, 1194.

Maximum Dividend. See *Dividends.* *Revision of Tariff.*

Maximum Rates. Generally speaking, the maximum rates are charges by all railway companies; the maximum rates are always charged at points where companies come into competition with each other, *Swift* 973, 974——The Parliamentary limitation of rates is effectual, but the limitation produced by the competition of the lines is ineffectual, *Huish* 1207——The Great Western always charge within the maximum rates as much as the public will pay without lessening the traffic, *Saunders* 1509——It is a mistake to say that railway companies charge their maximum rates where they are in competition, and rates below the maximum where they are left to themselves, without competition; cases showing that competition does decrease the rates of charge, *Lock* 1699-1704.

See also *Carriage of Goods.* *Coal Traffic,* 1. *Fares.* *Government Control,* 3. *Reduction of Rates.* *Shrewsbury and Birmingham Railway.*

Mellish, George. (Analysis of his Evidence.)—Barrister; director of the Grand Junction Canal Company, 1537, 1538——The canal companies which have not been joined to railways find their traffic inconvenienced and injured by the high rates on canals which have been allowed to be joined by railways and amalgamated with them, 1539——The Grand Junction Canal Company are now the largest carriers of any canal company or any private trader; formerly the traffic by canal was entirely conducted by private carriers, and canal companies themselves did not carry, 1540——Circumstances which induced the Grand Junction Company to become carriers, 1540——Statement of the number of tons which are now actually carried on the Grand Junction Canal, distinguishing the trade carried the whole length of the canal from the local trade; comparison of the trade of 1833 with that of 1852; 1540, 1541.

The experience of the Grand Junction Canal Company shows the possibility of canals competing with railroads, 1540——Statement of the different rates of freight charged on the Grand Junction Canal in 1833 and 1852; diminution of the dividend of the company from the great reduction, 1542-1561——Evils which have resulted to the interest of the Grand Junction Canal by the amalgamation of certain canals, to which they are joined, with the railways; high rates charged by canals which are leased to railways, 1562-1566——Statement as to the rates charged by the Trent and Mersey Canal since its purchase by the North Staffordshire Railway; there is no doubt they would have to reduce their rates if they were not joined to a railway, 1562-1665——Opinion that the union of a canal, or even a link in the chain of a canal communication with a railway company, is a formidable weapon in the hands of such railway company to be exercised by them against their competitors, the canals, 1567.

Suggestion that the canals amalgamated with railways should be prevented from charging higher tolls than those charged on independent canals; a canal sold to a railway should not be allowed to charge a rate that makes it impossible for another to navigate over it, 1568-1583——Witness would not object to a control being given to the Board of Trade, or any competent body, for the regulation of any abuses between canals and railways, or a Board of Arbitrators, if it was a Board which would really attend when the

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Mellish, George. (Analysis of his Evidence)—*continued.*

the questions were brought before it; difficulty of getting Boards to act hostily against railroads or any great companies, 1572,1573. 1584——The Grand Junction Canal Company suffer considerably from the high rates of toll on the Birmingham Canal, which is under the control of the London and North Western Railway Company, 1558-1589.

Large proportion of traffic which the railways carry at extremely low rates for long distances, such as coal and slates; the railways compete with the canals for the heavy traffic quite as much as the light, 1589, 1590——About one-fourth of the traffic on the Grand Junction Canal is in the hands of independent carriers, the other three-fourths being in the hands of the company, 1591-1598——How far the Grand Junction Canal Company would be willing to give security to the canals joining their canal that they would not increase their tolls; objections of the Grand Junction Company to give any tribunal the power of regulating their tolls, 1599-1630——When a railroad comes before Parliament to ask to be allowed to amalgamate with a canal, protection should be given that it should not shut up that canal from the traffic of the country, 1614——Agreements between the Grand Junction Company and the canals in connexion with them; by those agreements their tolls are limited to the same rate as the Grand Junction as long as they keep up an efficient carrying establishment, 1620-1628.

The Grand Junction Company did not turn carriers until the competition with the railways arose, and the independent carriers were driven off by the railways, 1630-1632——No inconveniences would arise to a railway and canal amalgamated, from the safeguards proposed by witness, 1633.

Mersey and Irwell Canal. Particulars relative to the Mersey and Irwell Navigation; motives which led to the purchase of this navigation by the Bridgewater Trust; precautions taken to prevent the public being injured by the removal of the competition, *Loch* 1641-1646.

Merstham. Particulars of an accident on 4 March 1853 at Merstham, on the South Eastern Railway, caused by a slight defect in the regulations, *Simmons* 2564, 2565.

Midland Railway. See *Bristol. Bristol and Birmingham Railway. Burton Station. Combinations,* 2. *Great Northern Railway. Leicester. London and North Western Railway. Mangot's Field. Manton. Nottingham.*

Mitchell, Charles. (Analysis of his Evidence.)—Agent for the Duke of Bridgewater's trustees at Stockton Quay, near Warrington, 640——Length of the Bridgewater Canal and the Mersey and Irwell, which is all under one trust, 641-643——Evils likely to arise from the amalgamation of links in the canal communication with railway companies; instance of the Birmingham Canal since its connexion with the North Western Railway, 644-653——Opinion that had the Birmingham Canal not been associated with the North Western Railway they would have reduced their fares, 654-659——Remarks relative to the amalgamation of the North Staffordshire Railway Company with the Birmingham Canal Company; pains taken by the railway company to keep the traffic on the canal, 660-669——Purchase of the Old Quay Navigation by the Bridgewater trustees, who thus became possessed of two lines of communication with Manchester, 670-681.

Supposing the North Staffordshire Railway was amalgamated with the North Western Railway, it would not be to their interest to keep the canal open, and send the goods traffic upon it, 682-684——In the case of amalgamation between canals and railways, it is essential that powers are given to the public in the Act of enforcing the supply of water in the canal, and for fixing the rate of tolls, 685-692——There are many ways in which, if a railway, being the proprietors of a canal, wish to interfere adversely with the traffic upon the canal, they have the power of doing it, 693-695——If amalgamations between railways and canals are permitted, it will be necessary that there should be some tribunal to whom an appeal should lie upon points of dispute, 696.

Mixed Gauge. Remarks upon the subject of the mixed gauge; extracts from the Reports of the Railway Commissioners upon the subject, *Stephenson* 2631——Letter from George Carr Glynn, chairman of the North Western Company, to the Commissioners of Railways, dated 27 July 1847, on the subject of the mixed gauges; this letter contains witness's views on that question at some length, and formed after great deliberation, *ib.*——Objections to a mixed gauge, as tending to increase public danger, *Stephenson* 2631, 2632; *MacGregor* 4138,4139——There is no mixed gauge at present worked, *Stephenson* 2631, 2632——Opinion that the lines from Wolverhampton to Birkenhead can safely be worked upon the double gauge, *Peile and Knox* 3867-3895. 3958——Expenses necessary in laying down a mixed gauge; the extra cost on the Oxford and Birmingham line was 1,750 *l.* per mile, independently of any additional stations, *ib.* 3884-3890. 3959-3966——The stations of the Great Western Company at Oxford, Leamington and Birmingham have all been constructed on the narrow gauge as well as on the broad, *Saunders* 3976, 3977.

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Monopoly. Witness would recommend that the principle of monopoly should be recognised by the Committee, and that their proceedings should be based upon that view for future railway legislation, *Laing* 120——Course witness would recommend Parliament to pursue in railway legislation, provided it is decided to admit the principle of monopoly, *ib.* 124——Railway directors would be prepared to meet Parliament with the necessary concessions, provided they got a distinct equivalent in the shape of protection, *ib.* 130——What witness proposes to attain for railway companies is protection from future competition, *ib.* 172——Witness anticipates a very considerable development of our railway system; the local development will be considerably increased by permitting monopolies to certain companies, under judicious control, *Stephenson* 1058–1063——Impossibility of shutting out enterprise from any district absolutely; numerous questions likely to arise about the boundaries in the event of existing companies having the monopoly of certain districts, *ib.* 1111——Judging from past experience, witness considers that Parliament never will secure the monopoly of any district to any company, *Saunders* 1524.

See also *Accommodation of the Public.* *Amalgamations*, 3. *Territorial Districts.*

Mortgage Debt. The amount of the whole mortgaged debt of the railway companies, to the end of 1851, was 45,567,096 *l.*, which was borrowed at an average interest of 4·469 per cent.; this rate is being gradually reduced, *MacGregor* 4155–4157——The reduction of interest on this debt, by Government undertaking the responsibility, would be a material element in any compromise between the interests of the public and the shareholders, *ib.* 4158.

N.

Narrow Guage. Remarks generally with respect to the reports of the Gauge Commission, and of the Board of Trade, upon the different railways throughout England; recommendation of the Commission that the narrow gauge should be continued, and that the broad gauge was inferior, *Saunders* 1397–1406——Recommendation for reducing the broad to the narrow gauge throughout the country, *MacGregor* 4366, 4367.

See also *Bristol and Birmingham Railway.* *Gauge of Railways.* *Mixed Gauge.* *Rolling Stock.*

New Holland Station (*Manchester, Sheffield and Lincolnshire Railway*). Observations as to an accident on the Manchester, Sheffield and Lincolnshire line at New Holland, on 1 February 1853; this collision arose from the defective regulations of the company, *Simmons* 2548——Report and correspondence relative to an accident at the New Holland station, on 1 February 1853, *Rep.* iii., *App.* 230, 231.

New Lines. Opinion that there is no necessity for new trunk lines, the existing lines might lay down four lines of rails, which would be sufficient for the traffic, *Clarke* 630–638——There are many difficulties in the way of absolutely prohibiting the projection of new lines of railway in districts where lines already exist, although it would be desirable if possible, *Stephenson* 958–970——Supposing amalgamation to take place between two lines in a district presumed to be secured to those two lines, there is nothing to prevent an invasion of that district, by Parliament considering it the public interest to grant new lines; this would be a fatal argument against the division of the country into districts, as has been proposed, *Saunders* 1472, 1473——Competition is impossible under the circumstances of Parliament granting two lines which cannot be supported, even before one is made and brought into use, *ib.* 1515——There ought to be a controlling power for the purpose of regulating, among other things, lines that new railway communications ought to take, *Bazley* 1900. 1902.

Necessity for some regulations with regard to the construction of new lines, and allowing other lines which are already existing to come into the amalgamation, which may have junctions with the amalgamated lines, or be coterminous with them, *Simmons* 2343——Observations with regard to companies being authorised to make new lines, and to raise capital for that purpose, there being no sufficient power of compelling them to make those lines after they have obtained possession of the capital and the territory, *ib.* 2413–2418——In the event of amalgamations, the railway companies must take their chance of new lines being started in competition to them; Parliament could give no assurance that such lines should not be constructed, *ib.* 2448–2453——If Parliament were to pass a Standing Order, or adopt some resolution, by which any line or any company desiring to make a new line should be compelled to make that new line, a vast number of the contests that now take place before Parliament would cease, *ib.* 2458, 2459——Parliament should have power to call on amalgamated companies to make any new lines that were desirable, or else to allow independent parties to come forward without opposition to make them, *Laws* 3604-3607——Witness is by no means adverse to the construction of new railways, but considers that extensions should be carried out on just and considerate principles towards existing lines, *MacGregor* 4106–4108. 4131–4134.

See also *America.* *Competing Lines.* *Government Control*, 1. *Inspection of Railways.* *Non-construction of Lines.*

Non-construction

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Non-construction of Lines. Reference to the petitions laid before the Committee from the inhabitants of Wilts, Somerset, Dorset and Hants, and from the city of Salisbury, complaining of the Great Western Company's not having constructed certain lines of railway in those counties, although the Acts were long since obtained, and also of the intention of the company to construct lines in other districts; explanation of the subject complained of in these petitions; general history of the circumstances of the case, *Saunders* 1453–1471——Observations with regard to the non-completion of the lines in the West of England, in the neighbourhood of Salisbury; witness does not agree with the general purport of Mr. Saunders' evidence upon this subject, *Locke* 2973–2978.

See also *Abandonment of Schemes.* *Salisbury.* *Wilts, Somerset and Weymouth Railway.*

North British Railway. Evidence showing the injuries that would be inflicted on the North British Railway, if the proposed amalgamation between the Caledonian and the Edinburgh and Glasgow Railways were carried into effect, *Balfour* 4160–4173.

See also *Criminal Law*, 3.

North Staffordshire Railway. See *Birmingham Canal.* *Trent and Mersey Canal.*

Nottingham. Remarks as to the difficulties which have occurred at Nottingham, and the disputes between the Ambergate Railway Company and the Midland Railway Company, *Clarke* 413–415.

O.

Officers on Railways. Statement of the number of persons directly and indirectly employed in the service of the existing railway companies in June 1852, *Rep.* v., *p.* 5.

See also *Criminal Law*, 1. *Fines.* *Responsibility of Officers.*

Old Quay Navigation. Purchase of the Old Quay Navigation by the Bridgewater trustees, who thus became possessed of two lines of communication with Manchester, *Mitchell* 670–681.

Open Courts. The constitution of the Executive Government affording no means of inquiry in presence of the bar and the public, is unfavourable for the determination of disputes; recommendation that the fact of wrong having been done by the company should first be substantiated before a public tribunal, and the aid of the Executive department be afforded to that tribunal in framing its decisions, with a view to their practical effect, *Rep.* v., *p.* 10——Recommendation of the Committee, that every railway company should be compelled to afford to the public, in respect both of goods and of passengers, the full advantage of convenient interchange from one system to another; to afford to every class of traffic, including postal communication, just facilities, and to observe all statutory provisions, especially those requiring equal charges under the same circumstances, and that where complaint arises that any company has violated any of these obligations, provision should be made for the hearing and decision of such complaint in open court, with power to make use of the interference of the railway department, for the purpose of ascertaining by what specific and detailed arrangements such complaint may be effectually redressed, *ib.* 21.

Opening of Lines. A great many accidents happen from lines being opened in an unfinished and imperfect state; the Board of Trade has not exercised proper authority on this point, *Laws* 3752, 3753. 3763 *et seq.*

See also *Inspection of Railways.* *Stour Valley Railway.*

Oxford and Birmingham Railway. The competition between the London and Birmingham since the opening of the Oxford and Birmingham line has produced good results; this line is quite as convenient as the London and North Western, *Lloyd* 4202–4209.

See also *Mixed Gauge.*

Oxford Canal. In the event of an amalgamation being permitted between the London and North Western and Midland Railways, the Oxford Canal should be included therein, otherwise the united power of the railways would enable them to ruin the canal, *Durell* 2793–2799. 2815–2833. 2858–2867——The protective clauses claimed by the Grand Junction Canal Company, provided amalgamations are sanctioned, would not meet the wants of the Oxford Canal, but would rather be prejudicial to its interests, *ib.* 2800–2802. 2812–2814. 2828–2833——A restriction as to rates might be fixed on the canal company if it were amalgamated with the railway companies; the present maximum toll might be diminished, *ib.* 2803–2811. 2819–2824——Remarks as to the loss experienced by the London and North Western Company, with respect to the traffic on the Buckinghamshire line; the competition with the Oxford Canal has lowered the rates on both sides to an unremunerative amount, *ib.* 2824, 2825. 2834–2836. 2854–2857.

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Oxford Station (*Buckinghamshire Railway*). Particulars relative to the accident which occurred near Oxford on 3 January 1853, inquired into by Captain Wynne; the cause of that accident was defective regulations for the management of the line during the interruption of one of the two lines for the purpose of repair, *Simmons* 2535, 2536——Reports upon the accident which occurred on 3d January 1853 near the Oxford station, and correspondence thereon, *Rep.* iii., *App.* 206-214.

P.

Parcels. Opinion that the parcel question is rather a question for legislation than for arbitration, *Laing* 201-203.

Parliamentary Expenses. Observations of the Committee as to the estimated loss of money to the railway shareholders, unnecessarily incurred in obtaining Parliamentary authority for, and in constructing the railways now in existence, and in opposing rival schemes, *Rep.* v., *p.* 5——The legislation of Parliament is in the highest degree uncertain, and the preparation of the rival companies for Parliamentary conflict are, in the same proportion, speculative and costly, *ib.* 12——Opinion that in cases where no opposition was recorded, as in Bills for simplifying the financial arrangements of the companies, for making increased accommodation at stations, or short branch lines, the expense which now attends the passing of such Bills might be diminished, *ib.* 15——With regard to the Parliamentary expense to which railway companies are put, if a territorial division were made, there would be much less expense in getting up new branches, because there would be no Parliamentary opposition, *Clarke* 491——It would be a great advantage, in cases where more capital was required and compulsory powers were not wanted, if the necessity of incurring the expense of coming to Parliament could be avoided, by means similar to those which are adopted in the case of the Inclosure Commission, *Swift* 733-735. 820-824——Opinion that something like 200,000 *l.* a year has been expended by the railway companies in their Parliamentary contests; similar consequences would ensue in future years if things are left to take their own course, *ib.* 755, 756.

How far there is any fear of the contests between the railway companies decreasing the funds and reducing the dividends; reference to the contests between the Great Western and the London and North Western Companies, *Saunders* 1378-1380——Witness sees no danger from a continuation of these contests, and a further expenditure of money, ultimately leading to larger payments from the public, *ib.* 1396——No better system than the present can be devised by which Parliamentary sanction might be obtained at a less cost to the promoters of new projects, *Hawkshaw*, 3342——The present expense of Parliamentary proceedings is a great check to the formation of small lines; desirability of abolishing this expense, *Baxter* 3507-3509——The cost of Parliamentary contests between opposing companies, and subsequent injurious and useless opposition between them, have been great evils, and might for the future be prevented, *Hon. G. Anson* 4475-4479.

See also *Capital.* *Great Northern Railway.* *Preliminary Inquiries.*

Parliamentary Influence. Opinion that the amalgamation of large companies would give them great Parliamentary influence, *Simmons* 2467-2469.

Parliamentary Trains. Convenience that would result from amalgamations with respect to Parliamentary trains, *Swift* 746.

Part, Thomas. (Analysis of his Evidence.)—Solicitor at Wigan, Lancashire, 2712——Attends before the Committee on behalf of the coalowners of that district, 2713. 2754——In the event of the amalgamation of railways being sanctioned, considerable protection will be necessary for private carriers, 2714-2719 *et seq.*——The object of the coal proprietors is to secure the use of the railways, upon payment of the present tariffs, and to fix a limit to charges which are at present indefinite, 2714——Evidence showing that the interests of the Lancashire coalowners are very prejudicially affected by the working of the railways, 2715-2782——There is no remedy against the railways for delays, &c., as the law of carriers does not apply to the coal traffic, 2715. 2730. 2771, 2772——It should be rendered imperative on railway companies to provide locomotive power, under certain regulations, for the accommodation of the traffic, and to forward the same within a given time, and after proper notice, 2715. 2719-2725. 2765-2770. 2783-2785. 2788-2791.

Circumstance of coal proprietors submitting to additional charges beyond the tolls allowed by Parliament, for the purpose of securing due convenience and facilities; instances of this have occurred on the Lancashire and Yorkshire Railway, 2731-2764——The power of the companies to charge anything they please for wharfage accommodation is very objectionable, 2769. 2782——With respect to sidings, the provisions of the 76th section of the Railway Clauses Act render the landowners powers to make them a dead letter; this is an important point in considering proper railway accommodation, 2785-2788.

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Peile, Joshua John, and George Knox. (Analysis of their Evidence.)—(*Mr. Peile.*) Is solicitor to the Shrewsbury and Birmingham and Shrewsbury and Hereford Railways, 3815——Reference to the existing railways now communicating direct with Shrewsbury from localities in that part of the country, 3816-3819——Evidence as to the circumstances attending the construction of the Shrewsbury and Birmingham line; arrangements entered into with the London and North Western and other lines, by which, under certain conditions, the Shrewsbury and Birmingham really stopped at Wolverhampton, 3820 *et seq.*——The Shrewsbury and Birmingham Company now complain that, from obstacles thrown in their way by the London and North Western Company, and from a breach of agreement by that company, they cannot forward their traffic to Birmingham, 3824-3840.

The Stour Valley line (from Wolverhampton to Birmingham) is rendered utterly useless for the Shrewsbury traffic, although the Shrewsbury and Birmingham Company have running powers over it, and are joint partners in the concern with the London and North Western Company, 3827-3840. 3847-3855. 3971-3975——The travelling public from Shrewsbury to Birmingham are mainly obliged to go round by Stafford, which is much the longer route, 3829-3837——(*Messrs. Peile and Knox.*) Remarks as to proposed working agreements between the Great Western and the Shrewsbury and Birmingham and Shrewsbury and Chester lines, by which the traffic of the Great Western was intended eventually to reach Birkenhead by means of a mixed gauge, 3856 *et seq.*

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Permanent Way. Statement of the committee, that in some instances the defective state of the lines has been the cause of accident; considerations of public safety should not yield to a desire for economy, nor is true economy promoted by the neglect of necessary repairs, *Rep.* v., *p.* 18——Importance of the permanent way of railroads being kept in an effective state; there are several lines of railway upon which the permanent way is barely sufficient to carry the trains at the speed they travel, *Simmons*, 2608-2616. 2657-2673——It would be impossible, by means of any Government staff, to keep perpetually examining the railways, so as to secure that they were always in a good and sound condition; the responsibility must be left on the companies, *ib.* 2615, 2616. 2621-2624——It is decidedly objectionable, and most improper, in railway companies, to allow their permanent way to get out of repair, as it increases the danger to the public, *ib.* 2660, 2661——One great source of danger to the public is the neglected state of the permanent way on some lines, which arises from the tendency to economise in the necessary works for keeping the lines in repair, *Locke* 2944-2949——It would be an advantage if the state of the permanent way, &c., for 100 miles or so, were placed under the superintendence of one person, so that, in case of accident arising from the permanent way being in bad order, he might be responsible for the result, *Sir Wm. Cubitt*, 3077-3083. 3105-3123——A good permanent way is indispensable for the prevention of accidents; the security of the permanent way depends much on the state of the weather, *Sturrock* 3181-3191.

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Pixton, John Sutcliffe. (Analysis of his Evidence.)—Agent, at Manchester, of Messrs. Kenworthy & Co., the carriers, 293, 294——Evidence as to the systematic plan of bad treatment pursued by the London and North Western Railway Company, by which Messrs. Kenworthy were driven off the Huddersfield and Manchester Canal, and the whole of the traffic of the line secured to the railway company, 295-301——Whilst the Huddersfield Canal remained in the hands of an independent company, competition among the carriers existed, which was destroyed on its coming into the hands of the London and North Western Railway Company, 302-304——The object of the London and North Western Railway Company in their bad management of the Huddersfield Canal, was to drive the traffic off the canal, and cause it to go by railroad, 305-322——The effect of the bad treatment of Messrs. Kenworthy by the railway company has been to cause their system of business, which formerly extended over a very great part of the kingdom, to be limited now to the traffic between Liverpool and Manchester, 315-318.

Since the Huddersfield Canal has been in the possession of the railway company, it has not received that undivided attention that it received when it was in the hands of the old proprietors; frequent instances of the stoppage of the traffic from want of water, 323-335——There has always been a competition among the carriers on the Huddersfield Canal; there never were any working arrangements or combination among them by which a fixed rate of charges was established, 336-339——Statement as to the annoyances by means of which the North Western Railway Company have driven Messrs. Kenworthy off the goods traffic between Manchester and London; facilities given to Pickfords and Chaplin & Horne, but refused to Messrs. Kenworthy, 340-349——Impossibility of Messrs. Kenworthy, or any single carrier, going to law with the North Western Railway Company to test the legality of any of their acts, the company being too powerful, 350, 351.

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Platforms. With regard to the platforms, they are now terminated by steps; accidents have arisen from this circumstance; suggestion of an inclined plane as being far preferable to steps, *Laws* 3778-3786.——*See* also *Signals.*

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Post Office. Opinion of the Committee that the railway companies should afford to the Post-office every assistance which might add to the convenience of the public, at the same charge as would be paid by private individuals for similar services, *Rep.* v., *p.* 16——No railway should be considered as fulfilling its obligations to the district in which it is situate, which fails to facilitate in this way the postal communications of that district, *ib.*

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Preliminary Inquiries. Observations of the Committee on the subject of the institution of preliminary inquiries for various classes of Private Bills, *Rep.* v., *p.* 14——In 1847 these inquiries having already been found by experience to be troublesome and expensive, were partially discontinued, and in 1850 the system was abandoned, *ib.*——If a tribunal of the kind proposed was made a preliminary reference to coming to Parliament, it would save enormous expense; witness would make that decision for or against the line final as regards the actual construction of it, *Stephenson* 993, 994. 1085-1090.

Pridmore, William Hales, and William Reynolds Lloyd. (Analysis of their Evidence.)—(*Mr. Lloyd.*) Attends, conjointly with Mr. Pridmore, as a deputation from the trade of Birmingham, to represent their sentiments on the subject of railway amalgamation, 4174, 4175. 4216-4219——The people of Birmingham view with considerable alarm the progress of railway monopoly, and are decidedly opposed to amalgamations, as destroying competition, from which they have derived much advantage; instances of the arbitrary monopoly

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monopoly practised by the London and North Western Company, 4176–4216——The competition between London and Birmingham since the opening of the Oxford and Birmingham line has produced good results; this line is quite as convenient as the London and North Western, 4202–4209——Suggestion that on disputes arising between the public and the railways, appeal should be made to some tribunal, whose decisions should be final, 4211, 4212——The railway companies should also publish fixed rates, and there should be no arbitrary rates imposed, 4212, 4213.

Pritt, George, Thomas Coates, and George B. Ellicombe. (Analysis of their Evidence.)—(*Mr. Pritt.*) How far the requirements contained in Lord Redesdale's letter to witness of 13 November 1851, relative to the framing of Private Bills, have been carried out, 1——Every effort has been made, and with great success, to confine the clauses of the Bill to the objects of the Bill, and to make the Bill, subject to some exceptions, conclusive, *per se*, without reference back to former Acts, 1——In cases where the object of the Bill is to repeal a former Act, there must necessarily be a reference back to that former Act; the plan lately adopted has been that of reciting the clauses, and then repealing them, 2–4——A new Bill to confer powers upon an existing company should be, with the exception of the provisions relating to the constitution of the company, an integral Bill by itself, so that parties affected by it should have to refer to that Bill solely, 4–6.

With reference to Acts empowering companies to apply certain residues of capital, it might be difficult to define it more accurately than by describing it as surplus capital; no inconvenience would result from that general mode of legislation, 7–15——All clauses or powers which were to be repealed should be specifically either repealed in terms, or alluded to by the number of the section, 16——It would be a more convenient course to set out *in extenso* in the new Act the provisions of the former Act which are to be re-enacted, 17, 18——The mode of saying "that the provisions of the former Act shall be extended to this Act," is productive of great inconvenience, and it is that which has of late years created a good deal of difficulty in the interpretation of Private Bills, 17, 18.

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(*Mr. Pritt.*) The Standing Order which enables companies to deposit a declaration in lieu of a subscription contract, requires that the declaration shall state what the surplus is after carrying out the purposes authorised by any existing Act, as well as any of the purposes which they seek to carry out by the Bill, 24——It might be advisable, instead of reprinting clauses *in extenso* in the new Act, to refer to them by the number of the sections; the chance of alteration would thus be avoided, 29–31——The latter part of the suggestion of Lord Redesdale is incapable of being carried into effect, 32, 33——The effect of carrying out the suggestion of Lord Redesdale, with reference to making each Bill a separate Bill, will certainly have a beneficial effect, and improve private legislation, 34–36.

(*Mr. Coates.*) Witness is desirous of going a little further than Mr. Pritt has gone with regard to making out each Bill an integral Bill; witness does not see why each Bill should not be complete in itself, 37, 38——(*Mr. Pritt.*) Witness does not agree with Mr. Coates, that in all cases the Bills should be made complete in themselves; there must be cases in which it would be better to refer back to the original Act, 38.

[Second Examination.]—(*Mr. Ellicombe.*) Great inconvenience would arise from preventing any Amalgamation Bills from being read till after Easter, 39——Suggestion that Railway Amalgamation Bills should be read a second time in due course, and that the House should pass a resolution suspending any further proceedings on those Bills until a certain day, 40, 41——Theoretically, it is supposed that the House vote upon the principle of the Bill upon the second reading; but in the case of Public Bills especially, it is not an unfrequent course to pass the second reading *pro formâ*, and to let the discussion upon the principle of the Bill take place at a subsequent stage, 41——There would be no difficulty in the House passing a resolution that all further proceedings upon Amalgamation Bills should be suspended for the present Session, 41–45——The second readings should be allowed to pass in the ordinary way, but no further steps should be taken until some report shall have been made by this Committee upon the subject of amalgamations, 47.

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Pritt, G., T. Coates, and G. B. Ellicombe. (Analysis of their Evidence)—*continued.*

(*Mr. Pritt and Mr. Ellicombe.*) Frequency of powers of importance being contained in Amalgamation Bills; the clause of working arrangements is a very common one to be inserted, 48-56——In the case of a Bill containing two objects, the Committee on the Bill might be instructed to strike out the amalgamation clauses before proceeding with the other portions of the Bill, 48-56——(*Mr. Pritt.*) Inconvenience would result from the postponement of the second reading of Amalgamation Bills for a short period, on account of the presentation of petitions against the Bills, 57. 62-71——Remarks relative to the grouping of Railway Bills; how the difficulty about grouping might be got over in the event of the Amalgamation Bills being postponed for the decision of this Committee, 57-61.

(*Mr. Ellicombe and Mr. Pritt.*) If the Amalgamation Bills are allowed to be read a second time before Easter, so as to go into Committee immediately after Easter, the objections to their postponement would be overcome, 72-77——The postponement may have the effect of giving to petitioners a longer period to prepare their opposition; a long delay of the second reading of a Bill often invites opposition, 72-77.

Private Carriers. Observations of the Committee with respect to private independent carriers on canals being obliged to abandon the traffic in consequence of the union of the canal with some railway, which thus obtains a monopoly of the means of transit, *Rep* v., *p.* 11——About one-fourth of the traffic on the Grand Junction Canal is in the hands of independent carriers, the other three-fourths being in the hands of the company, *Mellish* 1591-1598——The effects of the competition with the railways has been to drive the private carriers off the canals, *Loch* 1688-1696——Any party could start as a private carrier in opposition to the canal owners, the Bridgewater Canal being a highway, *ib.* 1748-1751——In the event of the amalgamation of railways being sanctioned, considerable protection will be necessary for private carriers, *Part* 2714. 2719 *et seq.*——Evidence to the effect that the legal rights of private carriers by railway are systematically interfered with by the London and North Western and other companies, and that the ordinary legal process of the courts of justice does not afford them a sufficient remedy, *Kimpton and Crouch* 4435-4465.

See also *Bridgewater Canal.* *Huddersfield Canal.*

Public Departments. Great advantages would result from the general amalgamation with regard to the Post-office, the War-office, and other public departments, *Swift* 747, 748; *Stephenson* 946. 954-957.

Public Prosecutor. It would be more likely to produce a result which would be satisfactory to the public if the prosecutions against railway companies were undertaken on the part of the Government by a public prosecutor, *Simmons* 2638-2651——Witness cannot see any advantage in having a public prosecutor for the purpose of thoroughly bringing the circumstances of railway accidents before coroners' juries, *Allport* 4304-4312.

See also *Criminal Law*, 1.

Public Safety. See *Safety of the Public.*

Punctuality. Statement of the Committee, that of all the causes which have led to accident, unpunctuality is the chief, *Rep.* v., *p.* 19, 20——Want of punctuality is a great cause of accidents; this occurs most frequently where several branches run into a trunk line; when branch trains are late at a junction, the main train should, after a very short delay, proceed without them, *Sir Wm. Cubitt* 3124-3141——Detention at stations, and running up speed to the highest practicable point, are the main causes of want of punctuality; these faults do not rest with the railway companies, *Sturrock* 3238-3242——Where some trains are habitually unpunctual, the company should be compelled to remedy the matter, *ib.* 3250, 3251.

See also *Departure and Arrival of Trains.* *Engines.* *Time Tables.*

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Railway Acts. Considerable inconvenience resulting from the large number of Railway Acts connected with individual railway companies; they become very complicated; it would be almost impossible to codify those Acts, but very desirable, if attainable, *Swift* 881, 882.

Railway Commission. Remarks relative to the appointment of the Railway Commission in 1846; its partial re-union with the Board of Trade in 1848, and in 1851 its ceasing altogether to exist as a separate department, *Rep.* v., *p.* 14——Remarks as to the Railway Commission which formerly existed; this Commission became very unpopular, and was at last abolished, *Laing* 255-261——The railway companies have got on better with the Board of Trade than they did with the Commissioners, *ib.* 259.

Railway Department of the Board of Trade. See *Board of Trade.* *Disputes.* *Open Courts.*

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Railway Property. Statement of the amount of railway property held in Great Britain at the end of 1851, *Rep.* v., *p.* 5.——*See* also *Value of Stock.*

Railways. Opinion of the Committee, that the system of railway communication ought not by any means to be considered as having attained its full maturity, but that much is yet to be learnt both as regards the legal effect of Parliamentary enactments and the practical consequences of improved management, *Rep.* v., *p.* 7——The amount of railway advantages and communication has tended very materially to develope the resources of this country; but it might have been better done with less money, *Stephenson* 1003-1006——Great benefits conferred on the country at large by the establishment of railways; the public have had the advantage, and the shareholders the disadvantage, but the former have benefited in a much greater degree than the latter have suffered, *MacGregor* 4114-4131——Documents delivered in, showing the value of the different railways in 1845, deducting expenses, the capital spent since, and their present value, &c., *ib.* 4154-4158, and *App.*

Rates. See *Canals.* *Carriage of Goods.* *Competition.* *Fares.* *Freights.* *Increase of Rates.* *Maximum Rates.* *Reduction of Rates.* *Tariff of Rates.*

Reading. With respect to the Reading, Guildford and Reigate line, witness explains, from a certain drawing, that a junction is about to be effected at Reading between it and the Great Western line, *MacGregor* 4150-4153.——*See* also *Break of Gauge.*

Rebow, John Gurdon. (Analysis of his Evidence).—Resolution of the directors of the Grand Junction Canal Company, expressive of their willingness to submit the tolls charged by them to a public Board for revision, 2501——Great struggle which the canal company have been undergoing for some time to keep open the water-way as carriers for the public good against the railways, 2501.

Redesdale, Lord. How far the requirements contained in Lord Redesdale's letter to witness of 13 November 1851, relative to the framing of Private Bills, have been carried out, *Pritt* 1——The latter part of the suggestion of Lord Redesdale is incapable of being carred into effect, *ib.* 32, 33.——*See* also *Integral Bills.*

Reduction of Rates. Great reduction of rates that would result from amalgamation, *Swift* 749-754——Supposing the increase of traffic were to make the companies highly remunerative at the present rates of charge, it would be reasonable that the public should have the benefit of a portion at least of that increase in a reduction of the charges, *Mathews* 1149-1151——Witness is not satisfied that the public have already attained the maximum of advantage in the reduction of rates; it is to competition that witness looks for securing future reductions, *ib.* 1193, 1194——The reduction of tolls under a system of amalgamation, with periodical revisions, would be illusive and imaginary, *Saunders* 1527, 1528——How far the establishment of railways has had the effect of reducing the charges on the canals for the conveyance of goods to Manchester; the charges are somewhat lower, but there has been no material change, *Bazley* 1918-1931. 1941, 1942.

Re-enactments. It would be a more convenient course to set out *in extenso* in the new Act the provisions of the former Act which are to be re-enacted, *Pritt* 17, 18——The mode of saying, "that the provisions of the former Act shall be extended to this Act," is productive of great inconvenience, and it is that which has of late years created a good deal of difficulty in the interpretation of Private Bills, *ib.* 17, 18——It would be dangerous to lay down any rule which should be inflexible upon the subject of setting out *in extenso* in the new Act the provisions of the former Act to be re-enacted; there should be a power in some public officer to relax that general rule in special cases, *ib.* 18-29——It might be advisable, instead of reprinting clauses *in extenso* in the new Act, to refer to them by the number of the sections; the chance of alteration would thus be avoided, *ib.* 29-31.

Regulations of Railways. Statement of the Committee, that the absence of any sufficient code of regulations has been a frequent cause of accident, *Rep.* v., *p.* 18——Recommendation that the general regulations of each company from time to time in force should be transmitted to the railway department, *Rep.* v., *p.* 21, *Simmons* 2589——It would be desirable, although the Board of Trade did not take on itself the responsibility of prescribing regulations, that they should have clearly before them and understand the regulations adopted by the different railway companies, in order that they might have the power of inspecting how far those regulations were habitually enforced for the safety of the public, *Booth* 2236-2245——The chief cause of accidents has been the defective state of discipline on the railways; by a more judicious and careful arrangement the greater proportion of these accidents may be avoided, *Simmons* 2568-2575——As a general rule, the existing regulations upon railways are loosely framed; great advantage of the regulations being approved by a central Board, *ib.* 2591——By the adoption of regulations not inconsistent with the freedom of action of the companies, and the ordinary practice of this country, much greater regularity of discipline and safety may be obtained, *ib.* 2607——The whole conduct of railways requires more precise legislative regulations, *Right hon.*

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the Lord Advocate 3538, 3539——In the absence of proper regulations by the directors, the law of Scotland would sustain an indictment against them, *ib.* 3544-3549.

See also *Amalgamations*, 4. *America. Board of Trade. Fines. France. Responsibility of Officers. Safety of the Public. Working Arrangements*, 4.

Rejected Lines. Opinion that it was a great mistake on the part of Parliamentary legislation in granting lines which were reported against by the Board of Trade, in 1845, *Saunders* 1513, 1414.

Repeal of Acts. In cases where the object of the Bill is to repeal a former Act, there must necessarily be a reference back to that former Act; the plan lately adopted has been that of reciting the clauses, and then repealing them, *Pritt* 2-4——All clauses or powers which were to be repealed should be specifically either repealed in terms, or alluded to by the number of the section, *ib.* 16.

Responsibility of Officers. Opinion of the Committee, that for the more effectual working of the law with regard to accidents, some more effectual provision should be made for the direct individual responsibility of those who conduct the traffic on the railways, *Rep*, v., *p.* 17, 18——Recommendation that for the better management of railways it will be desirable that every board of directors should be required to register with the railway department some one person to whom should be delegated the chief authority over all the external discipline of the company and its servants; also for every part of the line some person should be registered as resident engineer, and for every portion of the locomotive stock, some person as locomotive engineer, *ib.* 21——By a system of published regulations, attaching individual responsibility to particular persons, for the performance of certain duties, with fines or imprisonment for the neglect of those duties, the public might be made to assist very materially in enforcing discipline upon railways, *Simmons* 2589-2591——The safety of the public would not be promoted if any degree of that pecuniary and moral responsibility which now presses on railway companies should be removed, *ib.* 2628——Opinion that a more direct personal responsibility, and the apprehension of imprisonment or transportation, would tend much more to the prevention of railway accidents than the present mode of a heavy mulct of the railway companies, *ib.* 2647-2655.

Consideration of the best mode of preventing accidents on railways; there should be greater liabilities and responsibilities than at present, *Sir W. Cubitt* 3074 *et seq.*——Difficulties at present existing in bringing home to any one party the cause of railway accidents, or in fixingthe blame upon those who are really culpable, *ib.* 3084 *et seq.*——Opinion that there would be less individual responsibility under a system of amalgamation than there is at present, *Sturrock* 3200-3203. 3263-3266——There should be at every station parties responsible for certain duties, and they should, under certain conditions, be liable for any accident occurring through neglect in their departments, *Right hon. the Lord Advocate* 3536, 3537. 3540, 3541——With respect to accidents, the best security against them is uniformity of management; every precaution is used at present, and there would be no advantage in throwing the responsibility exclusively on the managing directors, *Hon. G. Anson* 4496-4499.

See also *Criminal Law. Directors. Government Control*, 3. *Managing Directors. Permanent Way.*

Retford. See *Great Northern Railway.*

Revision of Tariff. Witness would approve of the security of a periodical revision of the tariff, so as to make the travelling public shareholders in the profit that arises from the perpetual increase in the traffic; the official audit of railway accounts should be paid for by the public, *Swift* 804-807——The questions of closing the capital account, and of adjusting for each amalgamated company a fair maximum dividend, with a view to a periodical revision, though questions of great difficulty, ought not to be regarded as insuperable, *Stephenson* 900-905——Witness always contemplated a periodical revision of the traffic tariff, by which the public would have protection from Parliament as regards charges and arrangements, *ib.* 1096-1100——Witness assents to the principle of a limited dividend and periodical revision, provided the dividend was not fixed too low, *Huish* 1224, 1225——Grounds on which witness considers the plan which has been suggested, for a periodical revision of the traffic, as perfectly chimerical, *Saunders* 1301-1303——If a revision of the tariff is to take place whenever the dividend of a railway exceeds a certain amount, it would be necessary, to render such a provision effectual, that Government should be correctly acquainted with the financial proceedings of the companies, and should have the power to control them if they were not *bonâ fide*, *Bromley* 2056——The effect of an arrangement by which the public were to share in the profits of the company, by the tariff being revised as the profits increased, would be a strong reason why the support of Parliament would be given to an amalgamated company, if properly conducted, *Simmons* 2470.

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Rodwell,

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Rodwell, William. See *Cowell, Samuel Harrison, and William Rodwell.*

Rolling Stock. Opinion that it is necessary, for the ordinary routine of business, that records should be made by the working engineers of the state of the rolling stock; from these records much useful information may be gained for the prevention of accidents arising from the inefficiency of that stock, *Rep.* v., *p.* 20——Remarks as to the deterioration by time and wear of the rolling stock on railways; generally speaking, the rolling stock of the companies is maintained in a proper condition, *Simmons* 2617, 2618——Return of the rolling stock of the broad gauge railways in England, *Rep.* v., *App.* 253——Similar return with respect to the narrow gauge railways, ib. 254-258——Return of the rolling stock of the railways in Scotland, *ib.* 259——Return of the rolling stock of the railways in Ireland, *ib.* 260.——*See* also *Amalgamations*, 5. *Speed.*

Roy, Robert, John Williams and Edward Tench. (Analysis of their Evidence.)—(*Mr. Roy.*) Director of the Shrewsbury and Chester, Shrewsbury and Birmingham, and Stour Valley Railways, 4337——Evidence in refutation of statements by Colonel Biddulph, Mr. Whalley, and Mr. Girdwood, that the directors of the Shrewsbury and Chester line considered their private interests as coalowners to the prejudice of the public interest in the conveyance of coals along that railway, 4338-4343——The same rate per mile is charged to all parties, whether sending 100 tons or 100,000 tons, and the same facilities afforded in every way, 4339-4342——The petitions on the subject presented to Parliament by Colonel Biddulph and Mr. Whalley were not successful, as stated by the latter gentleman, 4342, 4343——A committee appointed by the shareholders declared, after due investigation, that there was no foundation for any charge against the directors, 4343.

With respect to the amalgamation of railways, the effects thereof have hitherto been very advantageous to the public; but small companies could not possibly compete with neighbouring large companies which had been amalgamated, 4344, 4345. 4352——Evidence as to the disputes now existing between the London and North Western Company, and the Shrewsbury and Birmingham, and Shrewsbury and Chester Companies; remarks as to the oppression, injustice, and obstruction offered to the later companies 4345-4359——Letters on the subject between Captain Huish and witness, showing the origin of the quarrel, 4346, 4347——Arrangement entered into between the London and North Western, and the Birkenhead, Lancashire and Cheshire Junction Companies, for the obstruction of the traffic of the Shrewsbury Companies, 4347-4349.

Suggestion that it be compulsory on every railway to elect a general manager, responsible to the public and to the directors for the management, 4353——This manager should report half-yearly to his directors on the state of the permanent way, the rolling stock, &c., and a copy of his report should be forwarded to the Board of Trade, 4353——Recommendation that the general responsibility under the Scotch law be applied to England, 4353——A most full and ample power of settling disputes by arbitration should be given to all railway companies; this arbitration should be compulsory, sharp and decisive, 4353, 4354——It should be imperative that the clearing-house see that all accounts are regularly kept, 4354-4356——Opinion in favour of running powers, under certain limitations, 4356-4359.

Royston and Hitchin Railway. Particulars relative to the agreement entered into between the Great Northern and the Eastern Counties Companies, with respect to the Royston and Hitchen Railway, *Denison* 2018-2021.

RUNNING POWERS:

1. *Generally.*
2. *Evidence as to the expediency of granting Running Powers.*
3. *Objections to Running Powers being granted.*
4. *How far Accidents may have arisen from the Running Powers possessed by the Great Northern Railway.*

1. *Generally:*

Statement of the Committee that the whole subject of the intercommunication of traffic between one railway system and another is one encircled with difficulty, *Rep.* v., *p.* 8——When obtained from Parliament, these powers are sometimes employed, not in the way Parliament designed, to create for the public a means of communication which would not otherwise exist, but for the widely different purpose of obtaining for the company to which they have been granted a pecuniary consideration from the other company, *ib.*——If a company which has obtained its powers on public grounds resolutely refuse to admit upon its line, with facility and convenience to the travellers, the traffic of an independent company, it is essential that some remedy should be found for such a refusal, *ib.* 8, 9——The Executive Government should be invested with strong powers for compelling companies to give to each other and to the public every reasonable facility, *ib.* 9.

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RUNNING POWERS—continued.

1. *Generally*—continued.

How far the company which owns the line possesses any advantage over the companies, running their trains at the same time, *Clarke* 427-443——Running powers should be held *in terrorem* over companies, but they should be not enforced if it could be avoided, *ib.* 444, 445——With regard to running powers being conferred upon railway companies, the real object of companies obtaining those powers, generally speaking, is that they may be bought off; they would not be used to any great extent, *Swift* 873-876 —— Circumstances under which the Great Northern Company refused to grant running powers to the Boston Company, *Clarke* 1432——Running powers for all line over all other lines would necessarily be interrupted in the case of a difference of gauge, *Loch* 1752.

The Board of Trade has no power where running powers are exercised, unless it happens to be given by the Private Act, *Booth* 2225——It would not be equitable to give the smaller company running powers over the larger line, *Baxter* 3510, 3511—— The fact of giving running powers over any railway against its own will and consent amounts very much to fixing a mortgage upon it, and is a great infraction of private rights, *MacGregor* 4042-4044. 4083-4093——If railways are to be treated as highways, and running powers given over them, it should only be on pre-arranged conditions of tolls, &c., so that there should be no infraction of vested rights, *ib.* 4083-4101.

2. *Evidence as to the expediency of granting Running Powers:*

Large portion of the traffic of the Great Northern Railway passing over portions of competing lines called foreign lines; the traffic of the company would be stopped if they were prevented running over the lines of other companies, *Clarke* 391-395——Opinion that Parliamentary powers of running over lines with which a railway have no very friendly relations, are consistent with public safety, and conducive to the convenience of the public, *ib.* 396, 397——If the system of running clauses sanctioned by Parliament should be carried into effect, it would be necessary that timely notice should be given and proper arrangements made, *ib.* 398-401——The public would be greatly inconvenienced if the power of running over foreign lines was denied to the Great Northern Company, *ib.* 402-409——The company owning the line should have the power of regulating the running of the trains on their line, but not of putting its veto upon the trains of another company coming upon it, *ib.* 418-420——The effect of the running clauses advocated by witness would be to prevent passengers being stopped at the end of a company's line, and enable the companies to carry the passengers on other lines, *ib.* 606-610 ——Suggestion for giving any railway universal running powers over all other lines of railway; this would be the proper remedy for defeating competition, *Loch* 1734-1744——The regulations between a company's enjoying those running powers, and the lines on which those running powers are exercised, should be made under the control of some central authority, *ib.* 1745-1747——Opinion in favour of running powers, under certain limitations, *Roy* 4356-4359.

3. *Objections to Running Powers being granted:*

Remarks of the Committee upon the subject of running clauses; the practice has always been regarded as questionable, from considerations of public safety, and such clauses should be admitted with great caution, *Rep.* iv., *p.* 6——The exercise of running powers is attended by many objections, on the score of safety to the passengers conveyed; in the trains of both companies, *Rep.* v., *p* 8——Opinion of the Committee, that to concessions of running powers of a limited character, in certain cases, there seems to be in justice no ground of objection, but that considerations of public safety are decidedly opposed to the concession, *ib.* 9——Recommendation of the Committee, that running powers should generally be discouraged on the score of danger, and conceded only in cases where the public object of free transit from one system to another cannot practically be ensured by other means, *ib.* 21.

Objectionable and dangerous nature of the running clauses, enabling one company to run over the line of another, *Laing* 206-210; *Swift* 766-773; *Simmons* 2419-2424. 2428-2444; *MacGregor* 4041, 4042——The discouraging of running clauses is one main security to which witness looks for affording territorial protection to railway companies, *Swift* 766-773——Witness would discourage running clauses altogether; great injustice of allowing the trains of one company to use the line of another company, and compete with them, *ib.* 833-841——Grounds on which witness recommends that the running clauses should be prohibited, *ib.* 975——Strong objections to running powers; witness believes them to be neither more nor less than aggravated competition; opinion that they should be struck out in the public amalgamations, *Stephenson* 1107-1110.

Objections to running clauses; they are unjust and unfair in themselves, and dangerous to the public; frequency of running clauses being granted over a particular portion of a line, in order to save the construction of a duplicate line, *Huish* 1220, 1221 ——The tendency to accident would be increased by the sanctioning of running powers; illustration in proof of this opinion, *Simmons* 2432-2434——Great dangers to be apprehended

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RUNNING POWERS—continued.

3. *Objections to Running Powers being granted*—continued.

prehended from giving companies the power of running trains in opposition to other trains over the same line of rails; case of an accident which occurred on the Lancaster and Preston Railway, illustrating the operation of running clauses, *ib.* 2506-2513——It is very dangerous to lay down any general principle with respect to running clauses; except under peculiar circumstances such clauses should never be granted, *Hawkshaw* 3346-3349.

4. *How far Accidents may have arisen from the Running Powers possessed by the Great Northern Railway:*

Evidence opposed to the granting of running clauses; enumeration of several accidents that have occurred in consequence of the Great Northern running trains over the Manchester, Sheffield and Lincolnshire Railway, *Allport* 4230-4284——These accidents are attributable to the engine-drivers and guards of the former company neglecting to make themselves acquainted with the rules and regulations of the latter; culpability of the management of the Great Northern Company in the matter, *ib.* 4245-4284——Witness denies the conclusions of Mr. James Allport, with respect to the danger arising from the running powers possessed by the Great Northern Company over the lines of the Manchester, Sheffield and Lincolnshire, and other railways, *Clarke* 4375-4380——Evidence in denial of Mr. Allport's statement, that the drivers and guards of the Great Northern Company are not provided with the rules and regulations of the Manchester, Sheffield and Lincolnshire line, and neglect to observe its signals, *ib.* 4377-4380——Reiteration of witness's former statement, that the running powers of the Great Northern Company over the Manchester, Sheffield and Lincolnshire line had been productive of several accidents, *Allport* 4381-4387——Examination of servants of the former company, who work over the line of the latter, without being provided with its rules and regulations, as alleged by Mr. Clarke; this fact proves that the running powers of the Great Northern are highly dangerous, *ib.* 4382-4387.

See also *Great Western Railway.*

Rural Districts. See *Branch Lines. Local Interests.*

Russell, Charles. (Analysis of his Evidence.)—Chairman of the Great Western Railway Company, 1836——Witness concurs generally in the views expressed by Mr. Saunders, 1837-1839——Opinion that combinations of railway companies are perfectly consistent with competition, 1839——Continuous amalgamations are very wholesome, and necessary for the convenience of public traffic, 1840——The London and North Western not being in the position of a continuous railway, an amalgamation between that and any other company would not be advantageous to the public, 1842——Witness would not recommend that an amalgamation between the Great Western Railway and the London and North Western should be permitted by Parliament, 1842-1853——Opinion that upon the whole, whatever objection may exist to the mode which Parliament has hitherto adopted with regard to railway legislation, no change which has been suggested is likely to be better, 1854-1863.

Supposing nothing is done by the Committee, and all the legislation goes on helter skelter, as it has gone on for many years past, no serious evil or damage will arise to the public or the companies, 1854-1856——Witness has no doubt that contending companies will learn to mitigate the severity of the contests that take place between them; the Shrewsbury alliance is the sole obstacle to a final arrangement between the Great Western and the London and North Western Companies, 1864-1873.

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Safety of the Public. Observations of the Committee on the subject of public safety, *Rep.* iv., *p.* 6; *Rep.* v., *p.* 16, 17——It is quite impossible to make regulations to secure the public safety under the present state of things, *Lock* 1732-1734——Opinion that the Board of Trade should have the power of making all regulations for the public safety on railways, *Booth* 2201-2217——Recommendation of conditions and regulations which witness considers requisite for the public safety on railways, *Simmons* 2588-2593——Opinion that the public safety would be increased by more extensive amalgamation, *Locke* 2881, 2882——Greater safety to the public in travelling would arise from a general proprietary, *Sir W. Cubitt* 3073——Copy of the arrangements proposed by Mr. S. Laing, M. P., for securing the safety, &c., of the public, *Rep.* ii., *App.* 158, 159.

See also *Board of Trade. Communication between Guards and Drivers. Criminal Law. Electric Telegraph. Fines. France. Joint Stations. Management of Railways. Permanent Way. Regulations of Railways. Responsibility of Officers. Running Powers. Signals. Speed. Time Tables.*

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Salisbury. Evidence generally with respect to the proposed formation of a line to Salisbury by the Great Western Company, but Parliament having sanctioned a direct line to Exeter, stopped the Great Western from making their cross line from Bath to Salisbury, as it was considered that the district could not support two lines, *Saunders* 1475–1508——Inconvenience suffered by the people of Salisbury in consequence of past legislation on railways, *Kelsey* 3284. 3336——Petition of the inhabitants of Salisbury with respect to the non-completion of that portion of the Wilts, Somerset and Weymouth Railway lying between Salisbury and Warminster, *Rep.* ii., *App.* 162, 163.

See also *Non-construction of Lines.*

Saunders, Charles Alexander. (Analysis of his Evidence.)—Secretary and general superintendent of the Great Western Railway, 1275——Objection to the large principle of amalgamation which is sought to be established by the London and North Western Railway, 1279–1371——Respect in which the proposed amalgamation differs from the former amalgamations which have been sanctioned by Parliament; amalgamations were never carried to so large an extent as is now proposed, 1280, 1281——From the magnitude and description of the Midland amalgamation with the London and North Western Railway, serious evils for the public may be anticipated; it would effect a very dangerous precedent, and be seriously prejudicial to other systems passing into or through the same district, 1281–1285. 1370–1375——The present combination between the Midland and London and North Western Companies is working beneficially to the public where competition exists with the Great Western Company, as at Gloucester, by reducing the rates for the carriage of goods, but not so at the places where no competition exists, 1285–1294. 1374, 1375.

The principle of district monopoly is perfectly incapable of being worked out or maintained, 1296, 1297——Arrangement may, and probably will be made, whenever the broad or narrow gauge interests come into rivalry, 1279——Witness does not understand competition to mean ruinous rates that will destroy the whole value of the traffic that is to be got; the tendency of competition is to moderate and equalise rates, 1297——The probable effect of encouraging the system of amalgamation, would be to increase the price of shares for a time, 1298, 1299——The system of amalgamation, as sought to be carried out by the London and North Western Company, would have the effect of giving great encouragement to making a third line where two would be enough, 1299——Address to Parliament from the Grand Junction Railway Company, dated 11 June 1845, in favour of the lines which they themselves were then promoting in connexion with the Great Western; it has reference to the gauge and to competition, 1299, 1300.

Grounds on which witness considers the plan which has been suggested for a periodical revision of the traffic as perfectly chimerical, 1301–1303——Opinion that an official audit will not amount to much security; witness has no great objection to it, except that the principle of all interference with concerns of that description is very mischievous, 1304–1309——Remarks as to the formation of additional branches, which in themselves might not be remunerative; the sanction of Parliament is freely given, if there is no opposing company, 1309, 1310——Opinion that the suggested mode of interference, through the instrumentality of arbitrators, would be found practically inoperative in questions of deadly hostility between companies, 1311, 1312——Witness believes that the true protection of the public in railways is competition, and not Parliamentary control and restraint; competition and independence constitute the best safeguard to the public in railways, as in everything else, 1313–1319.

Means witness would recommend Parliament to adopt for the purpose of maintaining perfect freedom of competition between the railway companies, 1320——Statement of the fares on the Great Western Railway between London and Oxford, by the Bletchley line, 1321–1328——Arrangement entered into between the Great Western and the London and North Western Companies at Banbury and Oxford, that the fares and rates of charges for goods should be the same on both lines, 1329–1331——Negotiation which took place with the view of an arrangement being entered into between the Great Western and the London and North Western Companies as to the rates of goods; as that negotiation assumed the aspect of a combination, the directors of the Great Western refused their sanction, 1332–1336.

Opinion that agreements as to rates between railway companies are absolutely essential, for there are many lines on which traffic has to be carried on continuously by various companies; witness would not recommend that these arrangements for rates should be prevented, 1337–1353——Arrangements between railway companies are much less objectionable than amalgamations, inasmuch as they are arrangements for a term, which will correct themselves at the end of that term, 1347–1350——Witness agrees with the evidence of Mr. Mathews, that the completed system of the broad gauge and the completed system of the narrow gauge would be so much in fear of the intervention and rivalry of a third line, in case they combined, that practically the evil of combination would be averted, 1352–1354——The proposed large amalgamations are not for the good of the country, nor for the permanent good of the railway companies, 1354, 1355.

Observations as to the illegality of those arrangements, under which one company pays out of its funds a sum of money to another company, to induce it not to compete for

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for the traffic, 1355-1369—— Suggestion that all agreements between railway companies should be deposited with a Government Board, 1357, 1358——Witness is satisfied with the present state of legislation with regard to railways, 1376——No doubt a great deal of capital has been expended unnecessarily by the railway companies, but not uselessly, as there is growing out of that expenditure and rivalry a much better system of railways than in any other part of the world, 1377—— How far there is any fear of the contests between the railway companies decreasing the funds and reducing the dividends; reference to the contests between the Great Western and the North Western Companies, 1378-1380.

Arrangements are being made by the London and North Western Company to carry their line on to Swansea, by Newport, Abergavenny and Hereford, which are not places with which that Railway naturally would have any direct alliance, because they have no rails of their own within miles of that country, 1378-1380——The Great Western Company did not seek the Shrewsbury alliance; it was proposed by the Shrewsbury Companies after they had failed to make any arrangement with the London and North Western, 1380——Remarks relative to the increase of rates and fares on the lines in the Lancashire and Yorkshire districts, arising from the combination of the railways which were formerly competing lines, 1381-1389——Necessity for Parliament preventing the combination of railways; there would be no difficulty in so doing, 1390, 1391. 1395.

Amalgamations of continuous lines are almost necessary to prevent each company from interposing difficulties in carrying passengers through; remarks favourable to the amalgamation of the Great Western with the Shrewsbury lines, 1391-1395——Possibility of the Great Western and the London and North Western Companies competing with mutual advantage; the security to the public against combination being the difference in the gauges, 1393-1395——Witness sees no danger from a continuation of these contests, and a further expenditure of money, ultimately leading to larger payments from the public, 1396——Remarks generally with respect to the Reports of the Gauge Commission and the Board of Trade upon the different railways throughout England; recommendation of the Commission that the narrow gauge should be continued, and that the broad gauge was inferior, 1397-1406.

Witness is unfavourable to the amalgamation of large companies, but favourable to the amalgamation of continuous lines of railway, 1407——Opinion that competition has been a successful element with regard to the management of railways, and ought to be maintained, 1408——Any minute interference of Government in the management of railways is objectionable, 1409——The extent to which the central authority for the purpose of arbitration now exists is wholesome, and not very mischievous or troublesome, 1409——Opinion that railway accidents are not to be prevented by the interference of a central Government authority, 1410——Manner in which it is intended to work the Shrewsbury lines, supposing the Great Western Company gain command over them, 1411, 1412——The Great Western Company contemplate one direct line between London and Birkenhead, going continuously on the broad gauge; on that they consider they can compete successfully with the present line to Liverpool, 1413, 1414.

The great question before the railways at present is competition; whether England, Ireland and Scotland are to be bound to the narrow gauge lines, or whether they are to have the option of sometimes going on the broad gauge and sometimes on the narrow; witness considers it better to have two systems instead of one, 1415——Private arrangements between different companies cannot be carried out in such a manner as to preclude competition, without the interference of Parliament granting amalgamation, 1416-1418.

[Second Examination.]—Equal rates are approved by the Great Western Company; willingness of the company to enter into an arrangement with the London and North Western Company for equal rates, 1433-1444——Opinion that equal rates are perfectly consistent with competition, 1439——Great unwillingness of the Great Western Company to enter into any agreement with the London and North Western Company for an apportionment of the traffic; the latter Company wished it to be part of the arrangement, 1440-1452——Reference to the petitions laid before the Committee from the inhabitants of Wilts, Somerset, Dorset and Hants, and from the city of Salisbury, complaining of the Great Western Company's not having constructed certain lines of railway in those counties, although the Acts were long since obtained, and also complaining of the intention of the company to construct lines in other districts; explanation of the subject complained of in these petitions; general history of the circumstances of the case, 1453-1471.

Frequency of Parliament disregarding recommendations or decisions of any former period in railway legislation, 1468-1471——Supposing amalgamation to take place between two lines in a district presumed to be secured to those two lines, there is nothing to prevent an invasion of that district, by Parliament considering it the public interest to grant new lines; this would be a fatal argument against the division of the country into districts, as has been proposed, 1472, 1473—— Evidence generally with respect to the

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proposed formation of a line to Salisbury by the Great Western Company, but Parliament having sanctioned a direct line to Exeter, stopped the Great Western from making their cross line from Bath to Salisbury, as it was considered that the district could not support two lines, 1475–1508.

The Great Western always charge within the maximum rates as much as the public will pay without lessening the traffic, 1509——There is no leading principle laid down by Parliament to control or guide the decisions of Committees on Railway Bills; anything that can be of assistance to Parliament in determining principles would be desirable, 1510–1514——Opinion that it was a great mistake on the part of Parliamentary legislation in granting lines which were reported against by the Board of Trade in 1845; 1513, 1514——Competition is impossible under the circumstances of Parliament granting two lines which cannot be supported even before one of them is made and brought into use, 1515——It is to be inferred that combination takes place now in those districts where it is least conducive to the advantage of the public, 1516–1523.

Judging from past experience, witness considers that Parliament never will secure the monopoly of any district to any company, 1524——Opinion that it will not be right of Parliament to impose any conditions on the railways, nor will the railways be likely to agree to any conditions as the price of amalgamations, 1525, 1526. 1532——Fixing a maximum dividend as one condition of granting amalgamations would produce no security; means would be found of enlarging the capital to continue getting the maximum dividend, 1527——The reduction of tolls under a system of amalgamations, with periodical revisions, would be illusive and imaginary, 1527, 1528——The only means of obtaining the amount of accommodation required by the public is by competition; no public board could secure it, 1529–1531——With reference to the break of station at Reading, the Great Western Company have a Bill before Parliament for bringing their line down into immediate contiguity with the South Eastern Railway, and making such arrangements as will enable passengers and goods to be transmitted from one gauge to the other with the least inconvenience, and without the necessity of carting, 1533–1536.

[Third Examination.]—Witness delivers in the agreement between the Great Western, the South Western and the Southampton and Dorchester Railway Companies, dated 16 January 1845; a letter from the chairman of the three companies to Mr. Laing, dated 30 January 1845, and a letter from Captain O'Brien, secretary to the Board of Trade, dated 11 February 1845, acknowledging their receipt, 1635.

[Fourth Examination.]—The stations of the Great Western Company at Oxford, Leamington, and Birmingham, have all been constructed on the narrow gauge as well as on the broad, 3976, 3977——The Midland Railway Company have taken power to force the Great Western to lay down narrow gauge rails in the Bristol station, and have given them notice to do so, 3978.

Saunders, Mr. Witness concurs generally in the views expressed by Mr. Saunders, *Russell* 1837–1839.

Scotch Criminal Law. See *Criminal Law. Indictments. Lord Advocate of Scotland.*

Scotch Railways. See *Capital. Criminal Law*, 3. *Rolling Stock.*

Second Reading of Bills. Theoretically it is supposed that the House vote upon the principle of the Bill upon the second reading, but in the case of Public Bills especially it is not an unfrequent course to pass the second reading *pro formâ*, and to let the discussion upon the principle of the Bill take place at a subsequent stage, *Ellicombe* 41.

Shrewsbury. Reference to the existing railways now communicating with Shrewsbury from localities in that part of the country, *Peile* 3816–3819——The travelling public from Shrewsbury to Birmingham are mainly obliged to go round by Stafford, which is much the longer route, *Peile and Knox* 3829–3837.

Shrewsbury and Birmingham Railway. Evidence as to the circumstances attending the construction of the Shrewsbury and Birmingham line; arrangements entered into with the London and North Western and other lines, by which, under certain conditions, the Shrewsbury and Birmingham really stopped at Wolverhampton, *Peile* 3820 *et seq.*—— The Shrewsbury and Birmingham Company now complain that from obstacles thrown in their way by the London and North Western Company, and from a breach of agreement by that company, they cannot forward their traffic to Birmingham, *ib.* 3824–3840—— Injurious effects on the Shrewsbury and Birmingham Company of their present competition with the London and North Western over the line from Shrewsbury to Wellington, in which both companies have a joint interest, *Knox* 3970——On payment of the maximum tolls by the Shrewsbury and Birmingham Company (as offered by Mr. Knox) and on the question of bye-laws and engines being got rid of, every facility will be given to them in the use of the line between Wolverhampton and Birmingham, *Swift* 3981–3984.——*See* also *Shrewsbury Lines. Working Arrangements*, 5.

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Shrewsbury and Chester Railway. Copy of the judgment of Lord Cottenham, in the case of the Chester and Shrewsbury Railway Company *versus* the Chester and Holyhead, the Lancashire, Cheshire and Birkenhead Junction, and the London and North Western Railway Companies, *Rep.* v., *App.* 239–243.

See also *Coal Traffic*, 3. *Shrewsbury Lines.*

Shrewsbury Lines. The Great Western Company did not seek the Shrewsbury alliance, it was proposed by the Shrewsbury Companies after they had failed to make any arrangements with the London and North Western, *Saunders* 1380——Manner in which it is intended to work the Shrewsbury lines, supposing the Great Western Company gain command over them, *ib.* 1411, 1412——With respect to the Shrewsbury Companies, the competition existing between them is a mere attempt of one company to see how far it can destroy the other, in order to be bought off, *Huish* 1425——Witness has no doubt that contending companies will learn to mitigate the severity of the contests that take place between them; the Shrewsbury alliance is the sole obstacle to a final arrangement between the Great Western and the London and North Western Companies, *Russell* 1864–1873——Remarks as to the proposed working agreements between the Great Western and the Shrewsbury and Birmingham and Shrewsbury and Chester lines, by which the traffic of the Great Western was intended eventually to reach Birkenhead by means of a mixed gauge, *Peile and Knox* 3856 *et seq.*

The Shrewsbury lines, by their proposed agreement with the Great Western, bind themselves not to exchange the London traffic with any other companies; remarks in justification of this agreement, *Peele and Knox* 3894 *et seq.*——The arrangement with the Great Western would not be adverse to the public interest, *ib.* 3909–3945——There is a proposal before Parliament for an amalgamation of the Shrewsbury and Birmingham line with the London and North Western; the former line merely requires an amalgamation with the latter or the Great Western, *ib.* 3948–3950. 3957——Certain schemes of the London and North Western Company now before Parliament would render the Shrewsbury and Chester and Shrewsbury and Birmingham Companies perfectly helpless as independent lines, *Peile* 3950–3956——A settlement by arbitration of the disputes between the Shrewsbury and Birmingham and the London and North Western has always been declined by the latter company, *Knox* 3967——Unless the Shrewsbury Companies obtain an amalgamation or a division of traffic by arbitration, there should be a continuous broad gauge from London to Birkenhead, *ib.* 3968–3970.

Evidence in refutation of statements by Messrs. Peile and Knox, that the London and Company have broken their agreement with the Shrewsbury and Birmingham and the Shrewsbury and Chester Companies, *Swift* 3979–3981——The Shrewsbury Companies offered to give up all competition on receipt of 250 *l.* a week from the London and North Western Company; denial of this statement by Messrs. Peile and Knox, *ib.* 3980——Evidence as to the disputes now existing between the London and North Western and the Shrewsbury and Birmingham and Shrewsbury and Chester Companies; remarks as to the oppression, injustice and obstruction offered to the latter companies, *Roy* 4345–4359——Letters on the subject between Captain Huish and witness, showing the origin of the quarrel, *ib.* 4346, 4347——Arrangements entered into between the London and North Western and the Birkenhead, Lancashire and Cheshire Junction Companies, for the obstruction of the traffic of the Shrewsbury Companies, *ib.* 4347–4349——Grounds for a former statement by witness, that the Shrewsbury Companies offered to withdraw from competition with the London and North Western Company on payment by the latter of 250 *l.* a week; quotation to that effect from a speech of Mr. Roy, in May 1852; denial by Mr. Roy that he ever made this offer, *Swift* 4360.

See also *Continuous Lines. Gauge of Railways. Shrewsbury and Birmingham Railway. Shrewsbury and Chester Railway.*

Shropshire Union Railway. See *Working Arrangements*, 5.

Sidings. Great importance of a sufficiency of sidings being provided; the chief obstacle to keeping the main line clear is the expense of making sufficient sidings, *Simmons* 2589——With respect to sidings, the provisions of the 76th section of the Railway Clauses Act render the landowners powers to make them a dead letter; this is an important point in considering proper railway accommodation, *Part* 2785–2788.

Signals. No danger arises from the trains of different companies running over the same lines of rails, as all trains are regulated by the same signals, *Clarke* 409–412——Necessity for signals along a line as auxiliaries to aid in securing the safety of trains; they should not however be considered the principal means of ensuring safety in railway travelling, *Simmons* 2589——Remarks in favour of a uniform system of signals, and a uniform height of platforms, &c.; it is the duty of the Board of Trade to ensure safety by this and every other means within their power, *Laws* 3763–3786. 3811–3814.

Simmons, Captain J. L. Arabin, R.E. (Analysis of his Evidence.)—Secretary of that department of the Board of Trade which inspects and superintends the management of railway companies, 2326–2329——Has visited France and Belgium with a view to ascertain what measures are adopted in those countries with reference to the safety of railway travelling, 2330–2332——Detail of the various benefits which might be expected

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to be derived from the amalgamation of railways, 2333——Nature of the dangers which are to be apprehended from the system of amalgamation, and its too great extension, 2334——There can be no doubt that the tendency of competition is to produce combination, not only between railways, but even between railways and canals, 2335-2337. 2401-2406——Number of Bills and extent of amalgamation now awaiting the decision of Parliament, 2338, 2339.

Particulars as to the extent of amalgamation applied for in connexion with the London and North Western Company; the owners of that amalgamation would have the absolute command of the communication from London to Edinburgh on the west coast, 2340-2342——Evidence in detail as to the principal provisions which should be required by Parliament for the protection of the public in the event of amalgamation proceeding to any further extent than it has already done, 2343 *et seq.*——It will be necessary that facilities should be secured for forwarding traffic at junctions, and obliging companies to take carriages from other railroads on their own line in the event of amalgamation, 2343. 2424. 2443——No alterations should take place in the times of the starting of the trains or in the fares, without some previous public notice, 2343.

Necessity for some regulations with regard to the construction of new lines, and allowing other lines which are already existing to come into the amalgamation which may have junctions with the amalgamated lines, or be coterminous with them, 2343—— Absolute necessity for some provisions for the regulation of trains, as to their arrival and departure, &c. in the event of amalgamation; manner in which the value of property is affected by irregular trains and the frequent alteration of the times of starting, 2343-2379——Recommendation that in the event of amalgamation all cases of grievance should be referred to arbitration; witness does not intend to interfere with the railway management, but only when called on to do so, by arbitration to remedy any evil that might be found to exist, 2346-2379——In conceding these very extensive powers to gigantic companies, it is necessary to reserve a power to protect those who would otherwise be wholly in the power of the companies; instances mentioned with regard to the conveyance of coal; these questions could be decided by arbitration, 2361-2379.

Security which should be provided to prevent frivolous cases being brought before the Arbitration Board for the mere purpose of annoyance; the arbitrator should have power over the costs of arbitration on both sides, 2369-2373. 2377, 2378——Remarks generally upon the subject of fixing the fares of the amalgamated companies; no general rule could be applied to the fares; they must be settled by the committee in each particular case, 2380-2387——The amalgamations applied for by the London and North Western Company would give them a complete monopoly of the traffic from London to Edinburgh and Glasgow by the west coast, and from the intermediate districts, 2388-2398. 2401——With reference to the question of arbitration, a *primâ facie* case for arbitration should be established and a deposit for costs made before the arbitrator was appointed; observations as to the expense of arbitration, 2407-2411.

Possibility of appointing arbitrations in cases that require them without running the risk of a perpetual harrassment and vexation of the companies by impertinent interference, 2412——Observations with regard to companies being authorised to make new lines, and to raise capital for that purpose, there being no sufficient power of compelling them to make those lines after they had obtained possession of the capital and the territory, 2413-2418——Instances where it has been proposed to make new works out of unappropriated capital, authorised by Parliament to be raised in Bills sanctioning other works of the same kind, 2417, 2418——Opinion that running powers are decidedly objectionable, on the ground of public safety, 2419-2424. 2428-2444——If amalgamations take place on the proposed great scale, it will be necessary to make provisions by which rural districts desiring to make branch railways into the great lines of communication should have the utmost facility for doing so at the point of junction, 2425-2427.

The tendency to accident would be increased by the sanctioning of running powers; illustration in proof of this opinion, 2432-2434——With reference to the plan which has been suggested for the protection of the public, in the event of amalgamations being sanctioned, such a system might possibly be carried into effect, 2445-2447——The Board of Trade, or any other public Board, would be able to carry into effect any powers that Parliament might think fit to place in it as to railway legislation, but it would be advisable and advantageous that the consent of railway directors should be obtained to any system that might be adopted, 2448-2458——In the event of amalgamations, the railway companies must take their chance of new lines being started in competition to them; Parliament could give no assurance that such lines should not be constructed, 2448-2453.

If Parliament were to pass a Standing Order, or adopt some resolution by which any line or any company desiring to make a new line should be compelled to make that new line, a vast number of the contests that now take place before Parliament would cease, 2458, 2459——Opinion that amalgamation itself is a concession of a great deal to the railway companies, and they should give securities for protection of the public in return, 2459——Power possessed by competing companies of combining, and so getting rid of the

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the inconvenience to them of that competition, 2460-2466——The amalgamation of large companies would give them great Parliamentary influence, 2467-2469——The effect of an arrangement by which the public were to share in the profits of the company, by the tariff being revised as the profits increased, would be a strong reason why the support of Parliament would be given to an amalgamated company, if properly conducted, 2470.

There would be considerable risk in granting amalgamations unless there were some means devised for controlling the companies; such a control would be beneficial both to the companies and the public, 2472, 2473——Opinion that a Government audit would be sufficient to ascertain the economic management of the railway with reference to the pivot dividend, 2474-2478. 2481-2487——The decision of the arbitrator should be final, 2479-2480——There would be no difficulty in deciding what items ought to be carried to revenue and what to capital, 2481-2484——Remarks relative to the granting of increased capital to amalgamated companies, 2483-2491——Suggestion that for any considerable expenditure the companies wish to incur, they should come for the Board of Trade's sanction before they commenced it, 2492-2499——Witness imagines that the mode of proceeding by provisional order and General Act would be cheaper than the mode of proceeding by Private Bill, 2500.

[Second Examination.]—Further remarks as to the necessity for the regulation of trains and the fares of companies; manner in which the value of property is affected by the unequal charges on the Eastern Counties Railway, 2503-2505——Great dangers to be apprehended from giving companies the power of running trains in opposition to other trains over the same line of rails; case of an accident which occurred on the Lancaster and Preston Railway, illustrating the operation of running clauses, 2506-2513——General account of the number of accidents in the years 1850, 1851 and 1852, showing the number of persons killed and the number injured in each of those years; causes to which the increase of serious accidents are to be attributed, 2514-2530.

Statement of the general principle which guides the Board of Trade in determining whether the nature and character of an accident is such as to call for inspection; in consequence of the number of accidents recently occurring, the Board have applied for and received the sanction of the Treasury for an additional strength of inspection, 2531-2534——Particulars relative to the accident which occurred near Oxford on 3 January 1853, inquired into by Captain Wynne; the cause of that accident was defective regulations for the management of the line during the interruption of one of the two lines for the purpose of repair, 2535, 2536——Remarks as to the accident which occurred at Bristol, on the Midland Railway, on the 8th January 1853, by the bursting of the boiler of a locomotive engine, 2537-2539.

Particulars as to an accident which occurred near the Blantyre station, on the Hamilton branch of the Caledonian Railway, on 17 January 1853, fom some defect in the permanent way, and in consequence of insufficient regulations, 2540, 2541——Statement as to an accident which happened on the 18 January 1853 at Chorley, on the Lancashire and Yorkshire Railway; the regulations in this case were insufficient to secure the safety of trains, 2542-2544——Accident which took place on 21 January 1853 at Wormsley, on the Great Northern line, from the tire of a leading wheel of an engine breaking, 2545-2547——Observations as to an accident on the Manchester, Sheffield and Lincolnshire line, at New Holland, on 1 February 1853; this collision arose from the defective regulations of the company, 2548.

Details with respect to an accident that occurred on 1 February 1853 at Manton, on the Midland Railway; this was the result of defective regulations, 2549-2551——Accident which occurred at Leicester, on the Midland Railway, on 1 February 1853, from a disregard of regulations and defective discipline, 2552, 2553——Remarks as to an accident at Burton, on the Midland Railway, on 7 February 1853; this resulted from a deficiency in the siding accommodation of the railway, and a total disobedience of instructions, 2554——Particulars of an accident at Bowyer's brick siding, on the Great Northern Railway, on 9 February 1853; this is a case of defective regulations, 2555, 2556——Also of an accident on the Great Northern on 10 February 1853, by the breakage of the tire of one of the engine wheels, 2557, 2558——Also of an accident on 24 February 1853 at Ealing, on the Great Western Railway; that accident is now under investigation, 2559.

Particulars of a collision on 27 February 1853 at Little Bytham, on the Great Northern Railway, 2560——Also of a fatal accident at Tynemouth, on the York, Newcastle and Berwick Railway, on 2 March 1853; this case is at present under investigation, 2561, 2562——Also of an accident at Bolton, on the Lancashire and Yorkshire Railway, on 4 March 1853; that is now under investigation, 2563——Also of an accident on 4 March 1853 at Merstham, on the South Eastern Railway, caused by a slight defect in the regulations, 2564, 2565——Also of an accident at Mangot's Field, on the Midland Railway, on 9 March 1853; the official report has not been received, 2566——Also of an accident at Battle, on the South Eastern Railway, on 12 March 1853; this is under investigation,

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tigation, 2567——Opinion that the chief cause of accidents has been the defective state of discipline on the railways; by a more judicious and careful arrangement, the greater proportion of these accidents may be avoided, 2568-2575.

Observations generally as to the precautions adopted on the railways in France for the safety of the public and the prevention of accidents; the principal precautions are strict regulations and discipline, 2576-2587——Recommendation of conditions and regulations which witness considers requisite for the public safety on railways, 2588-2593——Great importance of a sufficiency of sidings being provided; the chief obstacle to keeping the main line clear is the expense of making sufficient sidings, 2589—— Remarks as to the importance of using well-regulated time-tables as a means of safety for the public, 2589——Necessity for the power of engines being accurately determined with reference to the speed and weight of trains; the limited weight being registered should on no account be exceeded, 2589-2591——In order to the correction and proper adjustment of time-tables a careful register should be kept by the guard; also at the stations, and by signalmen along the line; the result of this register would be, that the trains might be timed so as to work with a very great degree of punctuality, 2589. 2591.

Necessity for signals along a line, as auxiliaries to aid in securing the safety of trains; they should not, however, be considered the principal means of ensuring safety in railway travelling, 2589——Recommendation that railway companies should be obliged to submit their regulations for the approval of the Board of Trade, the Board having power to suggest additions to them, 2589——Considerable facility would be given in making inquiries into the causes of accidents if the officers were more speedily than they now are at the scene of the accident; it might be beneficial to alter the Act, so that all accidents shall be reported within twenty-four hours of their occurrence, 2589——By a system of published regulations, attaching individual responsibility to particular persons for the performance of certain duties, with fines or imprisonment for the neglect of those duties, the public might be made to assist very materially in enforcing discipline upon railways, 5589-2591.

Observations with regard to the postponement of the opening of the Stour Valley Railway by the Board of Trade, 2589-2591——As a general rule, the existing regulations upon railways are loosely framed; great advantage of the regulations being approved by a central Board, 2591——The number of accidents to trespassers might very probably be diminished by an alteration of the law respecting them, by which summonses might be taken out against them, 2591——Suggestion of a series of telegraphic stations, intended and worked solely for securing safety of trains; a perfect system might very easily be arranged by means of the telegraph, 2591——A community of action between the companies and the Board of Trade might be established, which would accomplish much greater regularity and discipline, and much greater safety, than now exists; there should be a power absolutely to enforce the orders of the Board, 2594-2599.

Observations with respect to the establishment of a means of communication between guards and drivers; a provision similar to that adopted in France might be made compulsory upon all companies, 2599-2606——By the adoption of regulations not inconsistent with the freedom of action of the companies and the ordinary practice of this country, much greater regularity of discipline and safety may be obtained, 2607—— Importance of the permanent way of railroads being kept in an effective state; there are several lines of railway upon which the permanent way is barely sufficient to carry the trains at the speed they travel, 2608-2616——It would be impossible, by means of any Government staff, to keep perpetually examining the railways, so as to secure that they were always in a good and sound condition; the responsibility must be left on the companies, 2615, 2616. 2621-2624——Remarks as to the deterioration by time and wear of the rolling stock on railways; generally speaking, the rolling stock of the companies is maintained in a proper condition, 2617, 2618.

Objections to the Board of Trade having the power of closing railways in the event of the permanent way becoming unsound, from the neglect of the companies to repair, 2621-2624——Opinion that accidents are rarely if ever attributable to the state of the atmosphere, or the action of the atmosphere upon the rails, 2625-2627——The safety of the public would not be promoted if any degree of that pecuniary and moral responsibility which now presses on railway companies should be removed, 2628.

[Third Examination.]—Further remarks relative to imposing fines on the servants of the railway companies for neglect of duties affecting the public safety; limited number of persons who would fall under the penalties and regulations, 2633——The Scotch law is much more efficacious than the English law for bringing offenders to justice, and securing the safety of the public on railways, 2634-2636——In England justice has frequently failed in the investigations which have taken place consequent upon accidents on railways, 2637——It would be more likely to produce a result which would be satisfactory to the public, if the prosecutions were undertaken on the part of the Government by a public prosecutor, 2638-2651——Opinion that a more direct personal responsibility, and the apprehension of imprisonment or transportation, would tend much more to the prevention

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prevention of railway accidents than the present mode of a heavy mulct of the railway companies, 2647-2655.

Further evidence as to the great importance of the permanent way being kept in a good condition, which is frequently not the case, 2657-2673——It is decidedly objectionable, and most improper, in railway companies to allow their permanent way to get out of repair, as it increases the danger to the public, 2660, 2661——Impossibility of providing for the good condition of the permanent way by placing the railways under the inspection of a Government staff, 2662-2673——If the line be in all respects in perfect order, and the rolling stock in good order, high rates of speed may be run with perfect safety, 2674, 2675——Explanation as to the inspection of new lines of railway by officers of the Board of Trade previous to their being opened for public traffic, 2676-2678——It would be advantageous if the Board of Trade were informed of any extensive changes made on a line of railway, either as to rails or sleepers, &c., and an official inspection took place, 2678, 2679.

Small Lines. Means should be taken to ensure to the smaller lines the local traffic, and to ensure the great lines affording them sufficient accommodation at the points of junction, *Clarke* 558-567—— The demand for small lines of railway for local traffic is more likely to be met under the amalgamated system than it would be if amalgamations were refused by Parliament, *Swift* 711-714——Great injury would be inflicted on the small companies by any competition with or opposition to the larger amalgamated companies, with whom they could not possibly contend, *Baxter* 3493-3495. 3521-3523——Any amalgamation of the larger companies should include also the smaller lines immediately adjoining, *Baxter* 3499. 3518; *Allport* 4224——The comparative failure of railway property, as a pecuniary investment, alone retards the formation of numerous small lines, *Baxter* 3524, 3525——In amalgamations between large and small lines, the former have been almost invariably sufferers, *Laws* 3582-3584——Suggestions that when a branch line connects by a shorter route any two points of a small line, the latter should absorb the former, *MacGregor* 4044-4047.

See also *Amalgamations*, 2. *Branch Lines. Closing of Lines. Parliamentary Expenses. Running Powers.*

Solicitor-General for Scotland. See *Lord Advocate, Right hon. the, M.P., and Solicitor-General for Scotland.*

South Devon Railway. With respect to the case of the South Devon Railway, which has been reported to be in a state in which it is not fit that the line should continue to be worked, the Board of Trade has no power to prohibit the working of that railway, *Booth* 2246-2251.

South Eastern Railway. See *Battle. London Bridge Station. Merstham. Territorial Districts*, 1.

Southport Railway. Evidence with respect to an accident on the Southport line, caused by an engine running off the rails; difference of opinion on the subject between the officers of the Lancashire and Yorkshire Company and Captain Laffan, the inspecting officer of the Board of Trade, *Laws* 3685-3754——Weight of the rails on the Southport line, and peculiar construction of the engine which ran off the line, *ib.* 3691-3717. 3740-3746——The permanent way on the Southport line requires strengthening, but witness considers that such strengthening can be best effected with timber, and not with iron, as proposed by Captain Laffan, *ib.* 3719-3748.

Speculation. Recommendation of the Committee that in future no mere adventurers shall be permitted to obtain the sanction of Parliament to Bills embodying schemes which they have no intention of carrying into effect, *Rep.* v., *p.* 15——Recommendation of the Committee, that no scheme should be investigated without security being taken that in the event of its passing into a law the works will be actually made, *ib.* 20——Assuming that there were a speculative disposition on the part of the public, there is nothing in the course of legislation or in the constitution of Committees of the House to prevent the recurrence of what took place in 1845, *Laing* 89, 90——Remarks as to the railway speculation during the railway fever some years ago; similar periods of excitement have existed; great speculation in foreign mines in 1825, *ib.* 115-117.

Speed. Provided there is a general amalgamation, there would be no security whatever for the celerity of the trains; they may go at any pace they like, *Denison* 2009. 2015-2017——It would not be desirable to place in the hands of a public department the power of limiting speed over railways declared to be dangerous after inspection; it had better be left with the companies themselves, *Booth* 2249-2252——If the permanent way be in proper condition, and the rolling stock in good order, high rates of speed may be run with perfect safety, *Simmons* 2674, 2675; *Locke* 2945, 2946——Opinion that no Parliamentary limit ought to be imposed on speed, *Locke* 2945, 2946.

See also *Accidents. Accommodation of the Public. Continental Lines. Engines. Permanent Way.*

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Staffordshire. Present state of transit in the South Staffordshire district, *Mathews* 1126.

See also *Amalgamations*, 6. *Economy of Transit. Iron Trade.*

Standing Committee on Railway Bills. Recommendation for the establishment of some tribunal which might be invested by Parliament with so high a degree of authority as to give weight and stability to its decisions, and thus, by creating in the public mind a more certain anticipation as to the result of Parliamentary conflict, discourage idle or unprincipled speculations, and give to railway property that confidence which is not only desirable to the holders of that property, but might be made eminently conducive to the public good, *Rep.* v., *p.* 13, 14——Opinion of the Committee, that this tribunal cannot be created altogether without the walls of Parliament, *ib.* 14.

Recommendation of the Committee, that the mode in which Railway Bills are now dealt with in the House of Commons should be revised, with the view of securing, by the institution of a Committee of a character more permanent than has heretofore been the practice, a comprehensive review of all schemes submitted to Parliament in every Session, and that to this Committee the Railway Department of the Government should afford all the advice and assistance which the Committee may desire, *Rep.* v., *p.* 14, 15. 20 ——Opinion that the labours of such a permanent Committee might, by judicious arrangements, be rendered far less onerous than would at first be supposed, *ib.* 14, 15 ——Mode of proceeding of the proposed Standing Committee, *ib.* 15, 16——Suggestion that, for the investigation of contested Bills, the Committee should divide the whole country into districts, should decide questions of principle, and make arrangements for the decision of questions in which more then one district might be interested, and should so direct the investigation of schemes within the several districts as to secure for the public within each of them the utmost advantage which might be derived from a judicious combination of new lines with those which already exist; they should also make provision for facilitating the passing of unopposed Bills, *ib.* 20.

Suggestion that there be a Standing Committee appointed to superintend the whole question of railway legislation every Session; mode of selecting this Committee, and principles by which they should be guided, *Baxter* 3504. 3512-3514. 3526, 3527 ——If such a Board as that over which Lord Dalhousie presided had been possessed of sufficient authority, it might have undertaken with advantage the general legislation of railways, *MacGregor* 4071-4075. 4109-4121. 4135——A Standing Committee of the House of Commons would be the best tribunal to decide questions of railway extensions, management, &c., *ib.* 4361.

Letter from the Right hon. E. Cardwell, the Chairman of the Committee, to the Right hon. the Speaker, dated 6 June 1853, with respect to the formation of a Committee for dealing in a more comprehensive manner with Railway Bills, *Rep.* v., *Ev. p.* 194, and *App.* 251——Reply to the foregoing, dated 8 June 1853, suggesting that, for the purpose of securing uniformity of practice, a Committee of the House be appointed, consisting of not less than forty Members, and that all the Railways Bills of the Session be submitted to such Committee, *Rep.* v., *Ev. p.* 194, 195, and *App.* 251, 252.

See also *Amalgamations*, 4. *Committees on Railway Bills. Legislation*, 2.

Starting of Trains. See *Departure and Arrival of Trains.*

Stations. See *Joint Stations. London Bridge Station. Platforms.*

Stephenson, Robert, M. P. (Analysis of his Evidence.)—Opinion that the true policy of Government is to encourage an extensive system of amalgamation, 883, 884——Where combination is possible competition is impossible, and eventually amalgamation or combination of interest is sure to result, 885, 886——By prudent precautions now taken, Parliament might so regulate the process of amalgamation as to secure great advantages to the public, 887-889 ——Nature of the securities that ought to be given to the public in the event of amalgamations being granted, and advantage which in return for those securities Parliament should confer upon the existing companies, 890-893——Control necessary to be vested in some body for the purpose of securing the due discharge of their functions by the amalgamated companies; there can be no other tribunal than that of arbitration; perhaps preliminary reference to the Board of Trade might be desirable, 894-897.

Giving the companies protection against competition, and their submitting to audit, periodical revision of tariff and control, would meet all the difficulties of the case, 898, 899——The questions of closing the capital account and of adjusting for each amalgamated company a fair maximum dividend, with a view to a periodical revision, though questions of great difficulty ought not to be regarded as insuperable, 900-905——Railway accounts are much better understood now than formerly, and railways are much better managed altogether, 906, 907——If the arrangement were carried on in a liberal spirit on all sides, the questions which would arise would be questions which men of competent experience and undoubted character might settle fairly both between the railway companies and between the companies and the public, 907——The public are well protected under the existing system; striking example of the evils resulting from a company

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pany acting upon the notion that their own profits are distinct from the advantage of the public, 907–911.

The railway companies could not raise their fares in the event of amalgamation being granted, as nearly all the companies are at the present time taking their maximum fares, 912–914. 947——Observations as to the fares for long and short journeys; reducing the fares on short journeys might increase the local traffic, but reducing the long journey fares would not increase the number of passengers to any perceptile degree, 915–923——Wherever there is steam-boat accommodation with which the railways compete, great advantages are given to the public in the fares charged, 916——With reference to passenger fares, railway companies ought not to be obliged to charge all parties the same mileage rate; it should be optional with them to charge some higher and some lower, 924–926.

The system of arbitration is a proper system to be applied in cases referring to passenger fares, and in all cases which arise between companies that they do not adjust between themselves, 927——Instance showing that at present, from there not being an amalgamation, traffic is diverted from its proper line; circumstances which prevent a voluntary combination taking place in this case, 927–940——One advantage of a general amalgamation would be, that the traffic will flow in its natural channels instead of being sent round from one place to another, according to the private interest of the company that first received it, 939, 940——With regard to small amalgamations between competing lines, it might result in one of the lines being discontinued; the towns on the disused line might be exposed to some inconvenience, 941–944.

In the case of Parliament sanctioning amalgamations, local parties would be entitled to lay a complaint, and ask for interference, if their interests are not properly considered, 945——Great advantages would result from the general amalgamation with regard to the general Post-office, the War-office, and other public departments, 946——One striking effect of amalgamation, is to induce the railway companies to cultivate the local traffic, and even the through traffic, as much as possible, 947–950——Opinion in favour of amalgamation, as it would save great expense in the management, 951–956——Amalgamation would give great facility for Post-office communication and for the transport of troops, 954–957——There are many difficulties in the way of absolutely prohibiting the projection of new lines of railway in districts where lines already exist, although it would be desirable if possible, 958–970——Under a system of amalgamation, the disposition to give accommodation to the public would be increased, from the advantage of branches to the parent line, 971, 972.

[Second Examination.]—There would be great difficulty in apportioning the country into absolute districts; the interests overlap each other in such a way as to render the line approximately drawn by Mr. Seymour Clarke impossible, 976——Proposal for the establishment for some central Government Board to decide upon the necessity of new lines, and for the purpose of controlling, where control would be necessary, 977–979——Necessity of all railways harmonising in their arrangements; this would be best brought about by the establishment of the proposed tribunal, 980–984——The gauge question would be almost the first to be settled by the proposed central Board; manner in which witness would propose to bring the gauge question into harmony, 982–992——A great deal of money has been spent in competing lines that need not have been spent; more lines have been made than the country requires, and not laid out in consequence of the competition in the best possible direction for the public, 898–992.

If a tribunal of the kind proposed was made a preliminary reference to coming to Parliament, it would save enormous expense; witness would make that decision for or against the line final as regards the actual construction of it, 993, 994. 1085–1090——Remarks relative to the system of railway legislation in France, and the general working thereof, 995–1002——The amount of railway advantages and communication has tended very materially to develope the resources of this country, but it might have been better done with less money, 1003–1006——Remarks relative to the rate of dividends to be fixed on the amalgamation of railway companies, 1006–1313. 1039–1043. 1096–1107——Witness regards the present system going on as likely to produce a total destruction of railway property, 1014——In long traffic the increase of fares has no effect in driving the public off a line, 1915, 1016.

In the event of a line not running trains enough, the question might be referred to the central Board, who should have power to compel them to provide for the public accommodation, 1017, 1018. 1026, 1027——Objection to working engines up to their full power for passenger traffic, 1019–1025. 1028–1033——It very seldom happens that trains are overloaded with passengers beyond the reasonable powers of the engine; witness does not agree that numerous accidents have occurred from this cause, 1028–1038——There is no doubt that the expenditure upon railways has been greatly in excess of what is necessary, although Mr. Laing's estimate may be too high, 1044–1046. 1091——The French arterial system of railways is so far superior to ours, that it saves money, and gives the best possible accommodation to the existing towns; in our arterial system we have too much regard to the interests of the termini, 1047–1050.

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Manner in which branch lines are constructed under the French system, 1051, 1052——The railway system in Belgium is entirely under the Government, 1055——Objection to the adoption of a system so centralised as that of either France or Belgium, 1056——Opinion that the worst effects of competition have not been suffered, 1057-1062——Witness anticipates a very considerable development of our railway system; the local development will be considerably increased by permitting monopolies to certain companies, under judicious control, 1058-1063——There would be no difficulty attending the formation of a central Board of Arbitration, with powers to settle any differences that might arise between two companies, either with respect to the location of the line or the management of the trains, or between the public and the companies, 1064-1078——Witness is not satisfied with the present railway management, but the public, as a mass, are not dissatisfied with it, 1079-1084.

Enormous inconvenience which the public has sustained by reason of Parliamentary carelessness in legislating for railways, 1091——The average rate of interest now paid by the unguaranteed property of railway shareholders is very small, 1092, 1093——Manner in which the members of the Board of Referees might be selected, 1094——The proposed Board should possess the power of interfering in detailed arrangements when necessary, although that power would be rarely exercised, 1095——Witness always contemplated a periodical revision of the traffic tariff, by which the public would have protection from Parliament as regards charges and arrangements, 1096-1100——Strong objections to running powers; witness believes them to be neither more nor less than aggravated competition; opinion that they should be struck out in the public amalgamations, 1107-1110——Impossibility of shutting out enterprise from any district absolutely; numerous questions likely to arise about the boundaries in the event of existing companies having the monopoly of certain districts, 1111.

[Third Examination.]—Explanation as to the circumstances under which the Great Western Company granted running powers to the Buckinghamshire line over the Birmingham and Oxford line, when that line was purchased by the Great Western, 2631——Remarks upon the subject of the mixed gauge; extracts from the Reports of the Railway Commissioners upon the subject, 2631——Letter from George Carr Glyn, Chairman of the North Western Company, to the Commissioners of Railways, dated 27 July 1847, on the subject of the mixed gauge; this letter contains witness's views on that question at some length, and formed after great deliberation, 2631——Opinion that as the mixed gauge extends in the country, accidents will be more numerous; there is no mixed gauge at present worked, 2631, 2632——The increase of railway accidents of late is attributable to the remarkable wet season, 2631.

Stephenson, Mr. Robert, M. P. Observations upon the supplemental evidence given by Mr. Robert Stephenson, M. P. before the Select Committee on Railway and Canal Bills, on 18 March 1853, *Rep.* iii. *App.* 243.

Stour Valley Railway. Observations with regard to the postponement of the opening of the Stour Valley Railway by the Board of Trade, *Simmons* 2589-2591——The Stour Valley line (from Wolverhampton to Birmingham) is rendered utterly useless for the Shrewsbury traffic, although the Shrewsbury and Birmingham Company have running powers over it, and are joint parties in the concern with the London and North Western Company, *Peile and Knox* 3827-3840. 3847-3855. 3971-3975.

Sturrock, Archibald. (Analysis of his Evidence.)—Locomotive engineer to the Great Northern Railway; was formerly engaged under the Great Western, 3148-3152——The duty of witness is to find power and rolling stock for the whole of the railway, to work that stock, and to carry out the orders issued in the time bills, 3153——Witness is responsible for the engines being in a perfect state, 3154, 3155. 3164, 3165——The expense of constructing engines is greater than it used to be, but they are made to possess greater power and capabilities than formerly, 3156, 3157——Opinion that comparatively few accidents arise from the defective construction of the engine, 3158, 3159——Mode of testing an engine when it is first made, 3160-3166.

If the engine drivers were better educated, and a better class of men generally than they are at present, many accidents might be avoided, 3167-3172——There are several means of testing when an engine becomes unfit for work; on well regulated railways there is an examination after every trip, 3173-3176——Some engines are very dangerous beyond a certain rate of speed, but perfectly safe at a low speed; advantage of six or eight-wheeled engines for the purpose of a high velocity, 3177-3180——A good permanent way is indispensable for the prevention of accidents; the security of the permanent way depends much on the state of the weather, 3181-3191——Remarks on the working expenses of railways; these expenses would be increased rather than diminished by an amalgamation of lines under a large body of management, 3192-3203. 3220-3231. 3263-3268.

Opinion that there would be less individual responsibility under a system of amalgamation than there is at present, 3200-3203. 3263-3266——Objections to making superintendents

of

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Sturrock, Archibald. (Analysis of his Evidence)—*continued.*

of departments liable for accidents; the result would be a very lavish and unnecessary expenditure on their parts to prevent the possibility of punishment, 3204-3218. 3259-3262. 3270. 3273-3276——Greater punctuality would be attained if the engines were loaded below their maximum power; mileage cost of running a single train; by dividing heavy trains there would be considerable extra expense, 3219-3249——Detention at stations, and running up speed to the highest practicable point, are the main causes of want of punctuality; these faults do not rest with the railway companies, 3238-3242——Where some trains are habitually unpunctual, the company should be compelled to remedy the matter 3250, 3251.

When the traffic at a junction is unusually heavy, the trains should be divided, or special trains run, 3252-3257——With respect to the time bills, they are issued to please the public, who prefer a given time being stated for arrival at each station, 3258——The companies are always immense sufferers by accidents or collisions; they are the most interested in keeping their engines in efficient repair, and, from witness's knowledge, spare no expense in doing so, 3259-3262. 3268-3272——The engines on any line could be classified, and the load fixed which each engine might take at a given speed; in case of this load being exceeded, and an accident arising, the responsibility should attach to the party who had given directions in the matter, 3278-3282.

Superintendents of Railways. Objections to making superintendents of departments liable for accidents; the result would be a very lavish and unnecessary expenditure on their parts to prevent the possibility of punishment, *Sturrock* 3204-3218. 3259-3262. 3270. 3273-3276.

Surplus Capital. With reference to Acts empowering companies to apply certain residues of capital, it might be difficult to define it more accurately than by describing it as surplus capital; no inconvenience would result from that general mode of legislation, *Pritt* 7-15——In the want of an Act to enable a company to apply surplus capital to a certain use, it would be necessary that each Act under which any portion of that capital should arise should be specified, as the probability is that the surplus capital would consist of a portion of several capitals, which they had obtained power under different Acts to raise, *ib.* 20-24——The possibility of applying any surplus capital which may be in the hands of a railway company to works mentioned in the Bill does not arise at all from the clause extending the powers of past Acts, *Coates* 24——The Standing Order, which enables companies to deposit a declaration in lieu of a subscription contract, requires that the declaration shall state what the surplus is, after carrying out the purposes authorised by any existing Act, as well as any of the purposes which they seek to carry out by the Bill, *Pritt* 24——Instances where it has been proposed to make new works out of unappropriated capital authorised by Parliament to be raised in Bills sanctioning other works of the same kind, *Simmons* 2417, 2418.

Suspension of Amalgamation Bills. See *Bills before Parliament.*

Swift, John. (Analysis of his Evidence.)—Solicitor to the London and North Western Railway Company, 697——Many useful changes can be made in reference to future legislation as regards railway companies, 698——Opinion that amalgamations will take place; the natural interests of the companies to amalgamate will be greater than any determination on the part of Parliament to prevent such amalgamations, 699-710——The local demand for small lines of railway for local traffic is more likely to be met under the amalgamated system, than it would be if amalgamations were refused by Parliament, 711-714——Amalgamation is the only mode of obviating the recurrence of the mischiefs arising from railway legislation, 715, 716——The suggestion of Mr. Clarke about territorial divisions of the country would be an amalgamation upon a large scale, 716.

If an absolute monopoly of districts could be conceded to the companies in exchange for that, every protection which any body might suggest might be given to the public against the evils of monopoly, 716, 717——Remarks relative to the construction and working of branch lines under the system of amalgamated companies; the branch lines would still be constructed and worked where required, 718-725——Objection to the establishment of a central authority to assess the rate of working of the branch lines, 719——In case of the country being divided into districts, and the monopoly being given to the railway companies, it should be for a long period, if not for ever, 726, 727——If the company was free from the possibility of competition, it would be their interest to promote the traffic by every necessary convenience and by increased lines within their own territory, 727-732.

It would be a great advantage, in cases were more capital was required and compulsory powers were not wanted, if the necessity of incurring the expense of coming to Parliament could be avoided, by means similar to those which are adopted in the case of the Inclosure Commission, 733-735——Supposing Parliament does not sanction amalgamation, witness does not expect that the community at large will enjoy the benefits of

Reports, 1852-53—*continued.*

Swift, John. (Analysis of his Evidence)—*continued.*

competition among railway companies, 736, 737——Reference to the facilities for making railways in the United States; no advantage results from the facilities for making new lines, 738-740——Resolutions come to at a meeting of American railroad proprietors, that competition was of no use to the public, and was very injurious to the shareholders, and had better be given up, 740, 741.

[Second Examination.]—There would be a considerable advantage in amalgamation, from the cheaper working and the better arrangements, as regards the general management that would result from it, 742-745——Convenience that would result from amalgamations with respect to Parliamentary trains, 746——As regards transactions with the War-office, Post-office, and any other Government departments, the facilities afforded by amalgamation must be obvious, 747, 748——Great reduction of rates that would result from amalgamation, 749-754——Opinion that something like 200,000 *l.* a year has been expended by the railway companies in their Parliamentary contests; similar consequences will ensue in future years if things are left to take their own course, 755, 756——With regard to the speed, number of trains, and other circumstances of public accommodation, the effect of amalgamations would be very beneficial, 757-761.

In the event of amalgamations being granted, the Board of Trade ought to have the same power with regard to public convenience as they now have with regard to public safety, 762——The effect of extensive amalgamations upon railway property would be to render that property more secure, and consequently to raise its value, 763-765——Strong objections to the system of running clauses; the discouraging of running clauses is one main security to which witness looks for affording territorial protection to railway companies, 766-773——Observation upon the subject of the gauge question; as the matter now stands, it seems to be left to the interpretation of each Committee on each Bill to come to a different conclusion upon the question, 774-784——Grounds on which witness comes to the conclusion, that whether with or without the concurrence of this Committee, practically amalgamation will be the inevitable consequence of the present state of things, 785, 786.

Wherever combination is possible, competition is impossible; the result of competition, while it lasts, is, that both companies are injured, and when it ceases both do much better, 787——Opinion that the public would be better served under a system of amalgamations than under competition, 788-803——Witness has no objection to the Board of Trade having some supervision, referable to the accommodation to be afforded to the public, 795-803——Witness would approve of the security of a periodical revision of the tariff, so as to make the travelling public shareholders in the profit that arises from the perpetual increase in the traffic; the official audit of railway accounts should be paid for by the public, 804-807——Nature of the questions and disputes which should be referred to the proposed central Government Board; witness takes it for granted that the Board would not interfere, except in a case where a company were exceeding their powers, 808-814.

The general result of amalgamation would be to give greater security to railway property, and to ensure to the public greater facilities with regard to the traffic, 815-817——At the time of the amalgamation, the capital account of the amalgamated company should be specified, and should be closed, 818-819——It would be a great advantage, where more capital was required, and compulsory powers were not wanted, if the necessity of incurring the expense of coming to Parliament could be avoided, by means similar to those which are adopted in the case of the Inclosure Commission, 820-824——Necessity for discouraraging the theory of competition, which is the root of most of the fighting, 825-832——Witness would discourage running clauses altogether; great injustice of allowing the trains of one company to use the line of another company, and compete with them, 833-841.

Although there have been several Committees upon the subject of railway legislation, their recommendations have been almost universally disregarded; each Committee of Railway Bills decide according to the facts brought before them, and altogether irrespective of any general principle, 842-854——Opinion that Parliament would have acted more wisely if they had not permitted any amalgamation of railways with canals; the railway companies would be very glad to let the canals go back to their original owners, 855-872——With regard to running powers being conferred upon railway companies, the real object of companies obtaining those powers, generally speaking, is that they may be bought off; they would not be used to any great extent, 873-876.

Opinion that the public would be better served by the existing companies laying down four lines of rails on the existing lines than by the formation of a new line parallel with it, having distinct stations, &c., 877-880——Remarks as to the American railroads; extract from "The American Railroad Journal," dated 20 November 1852, being a railroad convention at Springfield, on 10 November, 880——Considerable inconvenience resulting from the large number of Railway Acts connected with individual railway companies; they become very complicated; it would be almost impossible to codify those Acts, but very desirable, if attainable, 881, 882.

Reports, 1852-53—*continued.*

Swift, John. (Analysis of his Evidence)—*continued.*

[Third Examination.]—Generally speaking, the maximum rates are charged by all railway companies; the maximum rates are always charged at points where companies come into competition with each other, 973, 974——Explanation as to witness's proposal for the discouraging of competition, 975——Grounds on which witness recommends that the running clauses should be prohibited, 975.

[Fourth Examination.]—Evidence in refutation of statements by Messrs. Peile and Knox, that the London and North Western Company have broken their agreement with the Shrewsbury and Birmingham and the Shrewsbury and Chester Companies, 3979-3981——The Shrewsbury Companies offered to give up all competition on receipt of 250*l.* a week from the London and North Western Company; denial of this statement by Messrs. Peile and Knox, 3980——On payment of the maximum tolls by the Shrewsbury and Birmingham Company, as offered by Mr. Knox, and on the question of bye-laws and engines being got rid of, every facility will be given to them in the use of the line between Wolverhampton and Birmingham, 3981-3984.

[Fifth Examination.]—Grounds for a former statement by witness that the Shrewsbury Companies offered to withdraw from competition with the London and North Western Company on payment by the latter of 250*l.* a week; quotation to that effect from a speech by Mr. Roy, in May 1852; denial by Mr. Roy that he ever made this offer, 4360.

T.

Tariff of Rates. The existence of a tariff of rates between canal and railway companies does not amount, as far as the public is concerned, to the same thing as amalgamation, *Loch* 1832-1835.——*See* also *Revision of Tariff. Tolls.*

Tench, Edward. See *Roy, Robert, John Williams, and Edward Tench.*

Territorial Districts:

1. *Opinions in favour of a system of Territorial Division.*
2. *Objections thereto.*

1. *Opinions in favour of a system of Territorial Division:*

It would be perfectly practicable to assign districts to particular companies, and to have some tribunal to refer to for that purpose; also to make a division of the traffic where two districts came into contact, *Laing* 121——There might be a difficulty in mapping out the districts among the existing companies, so as to satisfy the claims of the several companies, but the thing would not be at all impracticable; the difficulty might be solved by the Board of Trade or by arbitration, *ib.* 224-231——There are great disadvantages in the present system; amalgamation and division into districts would be the best thing to be done, *ib.* 271——The only mode of remedying the existing evils is to adopt the suggested system of districts, and give protection within them, *ib.* 280-292——Proposal that the country should be parcelled out into geographical divisions for railway traffic; districts into which the country might be divided, *Clarke* 568-577——When the division of the country has taken place, the large railway company within each district should have thenceforth an absolute monopoly of that territory, and Parliament should not grant new lines in competition with them, *ib.* 583-590——Statement as to the line which separates the district of the Great Northern from the district of the North Western Railway, in the proposed division of the country, *ib.* 639.

The suggestion of Mr. Clarke about territorial divisions of the country would be an amalgamation upon a large scale, *Swift* 716——If an absolute monopoly of districts could be conceded to the companies, in exchange for that every protection which any body might suggest might be given to the public against the evils of monopoly, *ib.* 716, 717——In case of the country being divided into districts, and the monopoly being given to the railway companies, it should be for a long period, if not for ever, *ib.* 726, 727——If the companies were free from the possibility of competition, it would be their interest to promote the traffic by every necessary convenience, and by increased lines within their own territory, *ib.* 727-732——Territorial division is to a certain extent desirable, but it must not be unassailable, *Baxter* 3499-3502. 3505, 3506. 3514——Each line sanctioned by Parliament should possess a security of title; the insecurity of title of the South Eastern Company is proved by the schemes constantly brought forward for new communication with Dover and the continent, *MacGregor* 4051, 4052.

2. *Objections thereto:*

Observations of the Committee on the proposed amalgamations limited to territorial division, *Rep.* v., *p.* 5, 6——As regards territorial division, in the high meaning attached to those words by some of the witnesses, amounting to an assumption that a concession of a certain territory should be made to a particular company, and the faith of Parlia-

Territorial Districts—continued.

2. *Objections thereto*—continued.

ment be pledged against the intrusion of any rival within the circle so prescribed, the Committee are of opinion that no such engagement can in reason be asked for from Parliament, *Rep.* v., *p.* 6——There would be great difficulty in apportioning the country into absolute districts; the interests overlap each other in such a way as to render the line approximately drawn by Mr. Seymour Clarke impossible, *Stephenson* 976——The principle of district monopoly is perfectly incapable of being worked out or maintained, *Saunders* 1296, 1297——Opinion that the proposed division of the country into districts is utterly impracticable; it is also opposed to the growing demand of the public for railway conveyance, *Hawkshaw* 3343–3345——A principle of territorial division, giving the North Western district to the London and North Western Company, would effectually ruin the Shrewsbury and Birmingham line, unless the latter are allowed to amalgamate with the Great Western Company, *Knox* 3946, 3947, 3949.

See also *Accommodation of the Public.* *Amalgamations*, 1. *Board of Trade.* *Junctions.* *Parliamentary Expenses.* *Through Traffic.*

Through Traffic. Great inconvenience to the public from the want of a proper arrangement of the trains running on foreign lines, to enable them to book through to any station they may require; the establishment of a tribunal of appeal would remedy this, *Clarke* 522–536——The facilities to passengers of booking through and going on without changing their luggage are of great importance, *ib.* 537——Power should attach to some tribunal to require that the traffic that went from one geographical division to another should be carried through without delay, *ib.* 568, 577.

Time Tables. Remarks as to the importance of using well-regulated time tables as a means of safety for the public, *Simmons* 2589——In order to the correction and proper adjustment of time tables, a careful register should be kept by the guards; also at the stations, and by signalmen along the line; the result of this register would be, that the trains might be timed so as to work with a very great degree of punctuality, *ib.* 2589–2591——With respect to the time bills, they are issued to please the public, who prefer a given time being stated for arrival at each station, *Sturrock* 3258.

Tolls on Canals. Necessity for the interference of Parliament to prevent the imposition of prohibitory tolls on canals; the best way to interfere would be to establish through tolls upon all canals, as being open routes; mode in which these tolls might be regulated, *Grahame* 3468, 3470–3481——Opinion that there is no ground for complaint against the railways with respect to their fixing certain high tolls upon canals amalgamated with them, *Laws* 3593, 3594.

See also *Amalgamations*, 6. *Arbitration*, 3. *Ashton Canal.* *Birmingham Canal.* *Carriage of Goods.* *Freights.* *Grand Junction Canal.* *Huddersfield Canal.* *Oxford Canal.* *Reduction of Rates.* *Trent and Mersey Canal.*

Townsend, George Bernard. (Analysis of his Evidence.)—Solicitor at Salisbury, 3454——Appears before the Committee on behalf of the principal landowners in that neighbourhood, 3455——The Great Western and other companies should be prohibited from obtaining more Bills, till they have either executed those powers already obtained, or else have got relieved of them by Parliament, 3456, 3457——The line most required by the people of Salisbury is not likely ever to be made, though approved by five decisions of Parliament; the Devon and Dorset line, before the Committee on which the landowners near Salisbury have no *locus standi*, will supersede it; suggestion that Parliament interfere in the matter, 3458–3465.

Traffic Arrangements. Nature of the traffic arrangements between the Great Northern and the Eastern Counties Railway Companies; these arrangements work very satisfactorily, *Clarke* 482–486.——*See* also *Working Arrangements.*

Transfer of Railway Stock. The transfer of railway property which now takes place on a stamp charged at one-half per cent. on the amount of the transaction should be very considerably reduced, *MacGregor* 4367.

Trent and Mersey Canal. The trustees of the Bridgewater Canal deprecate very earnestly the union of the Trent and Mersey Canal with the London and North Western Company, *Loch* 1670–1680——On the amalgamation of the Trent and Mersey Canal with the North Staffordshire Railway, clauses were inserted providing that there should be no partiality shown in the charge made respectively on the railway and canal, for the purpose of throwing the trade off the canals on to the railways; these clauses have not been effectual, *ib.* 1671–1677——There has been no strong ground of complaint against the the North Staffordshire Company for their mismanagement of the Trent and Mersey Canal while under their control, *ib.* 1681——Circumstances which induced the Bridgewater trustees to become the purchasers of the North Staffordshire Company's interest in the

Reports, 1852-53—*continued.*

Trent and Mersey Canal—continued.

the traffic of the Trent and Mersey Canal; strong opposition of the London and North Western Company to that arrangement, *Loch* 1689-1698——No injury to the interests of the Bridgewater trustees has followed from the purchase of the Trent and Mersey Canal by the North Staffordshire Railway, *ib* 1816——Remarks relative to the clauses inserted in the Act which amalgamated the North Staffordshire Railway with the Trent and Mersey Canal, for the protection of the public interest; amount of tolls charged on the canal, *ib.* 1816-1831——Copy of clauses relative to the navigation, tolls, &c. of the Trent and Mersey Canal, *Rep.* iii., *App.* 150.

See also *Amalgamations*, 4. *Bridgewater Canal.* *Freights.*

Trespassers. The number of accidents to trespassers might very probably be dimished by an alteration of the law respecting them, by which summonses might be taken out against them, *Simmons* 2591.

Trunk Lines. Although the existing trunk lines may not be well laid out, still it is witness's opinion that there is no room for another trunk line, *Clarke* 588.

See also *New Lines.*

Tynemouth. Particulars of a fatal accident at Tynemouth, on the York, Newcastle and Berwick Railway, on 2d March 1853; this case is at present under investigation, *Simmons* 2561, 2562.

U.

Union of Railways and Canals. See *Amalgamations*, 6.

United States. See *America.*

Universal Amalgamation. See *Amalgamations*, 5.

V.

Value of Stock. When great companies are permitted to amalgamate, the stock of these companies sometimes derives from Parliament an additional real value, but it is very much a question of degree, *Laing* 103——If the arrangement proposed by witness were carried into effect, the stock of the existing railway companies would bear a much higher price in the market than at present, *ib.* 251——The effect of extensive amalgamations upon railway property would be to render that property more secure, and consequently to raise its value, *Swift* 763-765; *Saunders* 1298, 1299——The general result of amalgamation would be to give greater security to railway property, and to ensure to the public greater facilities with regard to the traffic, *Swift* 815-817.

See also *Amalgamations*, 1. *Capital.*

W.

War Office. See *Public Departments.*

Whalley, George Hammond, M.P. See *Biddulph, Colonel, M.P., George Hammond Whalley, M.P., and John Girdwood.*

Wharfage. The power of the railway companies to charge anything they please for wharfage accommodation is very objectionable, *Part* 2769-2782.

Williams, John. See *Roy, Robert, John Williams, and Edward Tench.*

Wilts, Somerset and Weymouth Railway. Evidence as to the non-completion by the Great Western Company of the Wilts, Somerset and Weymouth line from Warminster to Salisbury; the interest of the public is made entirely subservient to the private interest of the company; inconvenience suffered in the meantime at the latter place, *Kelsey* 3285 *et seq.*——The Great Western Company have powers to make the line, and have purchased land for the purpose; they have also commenced the works, but will not proceed with them, *ib.* 3286-3288——Suggestion that on any railway company obtaining powers to make certain lines, they should state which of those lines they intended to proceed with, and should go with them forthwith, and should also state which lines they meant to abandon, so as to give other companies an opportunity of making them, *ib.* 3291 3299-3321——The powers of the Great Western to complete the line from Warminster to Salisbury expire in June 1854, after which other parties may come to Parliament for leave to make the line, *ib.* 3292, 3293. 3305-3309.——Persons would readily be found to carry out the undertaking, but as the Great Western have been so long in the field, and have purchased the necessary land, it would be useless for others to compete with them, *ib.* 3294. 3304. 3325, 3326——A formal application has been made by the people of Salisbury to the Great Western Company to complete the line from Warminster, but they have taken no notice of the same, *ib.* 3322-3324——A rule *nisi* has been obtained to enforce the making of the line, but has not yet been argued, *ib.* 33 5.

Reports, 1852-53—*continued*.

Wilts, Somerset and Weymouth Railway—continued.

Petition of inhabitants of the counties of Wilts, Somerset and Dorset, &c., with respect to certain unexecuted lines of railway in that district, *Rep.* ii., *App.* 159–161—— Extract from the short-hand writer's notes of proceedings before the Committee of Peers on the Wilts, Somerset and Weymouth Railway Bill, Wednesday, 18 June 1845, the Lord Kenyon in the chair, *Rep.* v., *App.* 213–217.

See also *Non-construction of Lines. Salisbury.*

Wood, Nicholas. (Analysis of his Evidence.)—Chairman of the South Durham Coal-owners' Association, 4548——Is a civil and mining engineer, and has had considerable experience in the management of railways and of collieries, 4549-4552——The facilities afforded by the railways for the conveyance of the coal traffic have been very beneficial to the public, 4553——These facilities, however, are not so ample as they should be, and in many instances the railway companies act with undue favour to one colliery in preference to others with respect to the charges levied for the conveyance of the coals, 4554-4562 Reference to the amalgamation of railways; opinion that the public and the shareholders would be benefited thereby, 4562.

The Board of Trade would be a very good tribunal to settle disputes between railways and carriers thereby; circumstances by which the tribunal might be guided in fixing equable rates with respect to the conveyance of coals for different distances, 4563-4590 ——Particulars as to the course pursued by the Great Northern Company in the conveyance and sale of coals along their line; the coalowners of South Durham are exposed to considerable disadvantage from the fact of the railway company not acting as simple carriers in the matter, but selling such coals as they like in London and elsewhere, 4591-4605——All that is wanted to remedy the evil is, that Parliament should compel the railway companies to act as simple carriers; remarks showing that at present the Great Northern Company do not act as common carriers of coals, 4591-4598. 4605—— Witness personally has been in negotiation with the Great Northern Company for the conveyance and sale of his coals; refusal of the company to undertake the matter on the ground of his asking too high a price; witness is thus prevented from bringing his coals into the London and other markets, 4599-4604.

[Second Examination.]—Further remarks to the effect that the mode of conducting the coal traffic on the Great Northern line is not justifiable; witness's coals are certainly better by 1*s.* a ton than those sold by the company in London, and yet because he demands that extra 1*s.* beyond the present price paid by the company, they decline to take them, and the public are allowed no option in the matter, 4647-4654. 4668-4670—— Mode by which arrangements might be made for settling differences between railway companies and traders along their lines; suggestion as to the formation of a tribunal which should minutely inquire into the circumstances of each case, and should enforce the adoption of just and equable rates, 4652-4667.

Working Arrangements:

1. *Generally.*
2. *Extent to which Working Agreements at present exist between Railway Companies.*
3. *Invalidity of these Agreements in point of Law.*
4. *Opinions in favour of Working Arrangements; suggestion that they should receive the sanction of Parliament.*
5. *Papers laid before the Committee.*

1. *Generally:*

Frequency of powers of importance being contained in Amalgamation Bills; the clause of working arrangements is a very common one to be inserted, *Pritt and Ellicombe* 48–56 ——The same system of arrangement that exists between railways exists very extensively between railway and canals which are not amalgamated by Act of Parliament, *Huish* 1272——Suggestion that all agreements between railway companies should be deposited with a Government Board, *Saunders* 1357, 1358——The amalgamation of railways is far preferable to working agreements between them, *Hon. G. Anson* 4488, 4489.

2. *Extent to which Working Agreements at present exist between Railway Companies:*

Companies can make working arrangements without the consent of Parliament, *Laing* 263——What is tantamount to amalgamation is going on extensively over all the railway system in the way of working agreements, to the exclusion of facilities for people to pass on to other lines, *Clarke* 460, 461——Nature of the existing working arrangements between the Great Northern and the London and North Western Railway Companies; satisfactory working of the arrangement, *ib.* 469–476——Memorandum of award by the Right hon. W. E. Gladstone, M.P., dated 26 August 1851, as to the working arrangement between the Great Northern and the North Western Railway Companies, *ib.* 509——If there is no legislation

Reports, 1852-53—*continued.*

WORKING ARRANGEMENTS—continued.

2. *Extent to which Working Agreements at present exist between Railway Companies*—continued.

legislation on the subject, working arrangements between railway companies and virtual amalgamations will take place, so that whether anything is done or not by Parliament, amalgamations are almost inevitable, *Clarke* 626-629——Great unwillingness of the Great Western Company to enter into any agreement with the London and North Western Company for an apportionment of the traffic; the latter company wishes it to be part of the arrangement, *Saunders* 1440-1452——Witness delivers in the agreement between the Great Western, the South Western, and the Southampton and Dorchester Railway Companies, dated 16 January 1845; a letter from the chairman of the three companies to Mr. Laws, dated 30 January 1845, and a letter from Captain O'Brien, Secretary to the Board of Trade, dated 11 February 1845, acknowledging their receipt, *ib.* 1635.

Evidence relative to the arrangement between the Great Northern and the London and North Western Companies, who are apparently competitors to Edinburgh, by which they agree to a per centage division of the traffic; the Great Northern Company consented to this arrangement only from pressure, *Denison* 1997-2008——Observations with respect to the working arrangements or combinations entered into between railway companies; so long as these agreements last they operate equally with amalgamations, *ib.* 2502——Opinion that such agreements are quite contrary to the intention of Parliament, and that many of them are illegal, *ib.* 2502——The Edinburgh and Glasgow Railway have a working arrangement with the Caledonian Railway, by which the receipts between Edinburgh and Glasgow are divided in certain proportions; the two companies at one time competed for this traffic, *Blackburn* 2681, 2682——It would not be possible by any legal enactment, according to the present state of the law, to prevent tacit arrangements between companies almost tantamount to amalgamations, *Locke* 3003, 3004——Numerous instances in which working arrangements have been entered into between railway companies for dividing the traffic, *ib.* 3005-3011.

3. *Invalidity of these Agreements in point of Law:*

Provided the amalgamations are not sanctioned by Parliament, no permanent working arrangements could be made by the companies to the inconvenience of the public, as they would be found invalid if taken into the Court of Chancery, *Clarke* 549-554——With regard to working arrangements, they can be broken through if they are found to work injuriously for the public, whilst an amalgamation granted by Parliament could not be broken through, *ib.* 604, 605——Observations as to the illegality of those arrangements under which one company pays out of its funds a sum of money to another company to induce it not to compete for the traffic, *Saunders* 1355-1369——Private arrangements between different companies cannot be carried out in such a manner as to preclude competition, without the interference of Parliament granting amalgamation, *ib.* 1416-1418.

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5. *Papers laid before the Committee:*

Letter, dated 30 January 1845, from the chairman of the Great Western Railway Company, the London and South Western Railway Company, and the Southampton and Dorchester Railway Company, to the Board of Trade, with respect to an arrangement entered into between the said companies on 16 January 1845, *Rep.* iii., *App.* 147——Minute of arrangement entered into, on 16 January 1845, by the Great Western Railway Company, the London and South Western Railway Company, and the provisional committee of the Southampton and Dorchester Railway Company, *ib.* 148, 149——Articles of agreement, made on 12 October 1847, by and between the Shrewsbury and Birmingham Railway Company, of the one part, and the London and North Western Railway Company and the Shropshire Union Railways and Canal

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